MODESTO CITY COUNCIL  
RESOLUTION NO. 2008-142  

A RESOLUTION APPROVING AN AMENDMENT TO THE MODESTO URBAN AREA GENERAL PLAN REGARDING THE TIVOLI SPECIFIC PLAN LOCATED NORTH OF SYLVAN AVENUE, SOUTH OF FUTURE CLARATINA AVENUE, EAST OF OAKDALE ROAD, WEST OF ROSELLE AVENUE (DAVID ROMANO, NEWMAN ~ ROMANO LLC)  

WHEREAS, on August 15, 1995, by Resolution No. 95-408, the City Council certified the Final Master Environmental Impact Report (“Master EIR”) (SCH No. 92052017) for the Modesto Urban Area General Plan, and  

WHEREAS, a General Plan for the City of Modesto entitled “City of Modesto Urban Area General Plan”, was adopted by the City Council by Resolution No. 95-409 on August 15, 1995, in accordance with Section 65300 of the Government Code, and  


WHEREAS, Government Code Section 65358 permits the amendment of General Plans by the legislative body up to four times per year, and  

WHEREAS, David Romano (“Applicant”) of Newman-Romano, LLC, submitted the Tivoli Specific Plan (“Project”) application (File No. P-SPL-04-003) for the development of 454 acres located north of Sylvan Avenue, south of future Claratina Avenue, East of Oakdale Road, west of Roselle Avenue (“Property”), and  

WHEREAS, City staff determined that this Specific Plan would require an amendment to the General Plan, and
WHEREAS, the Applicant has filed a General Plan Amendment (File No. GPA-04-003) for the following:

1. To reclassify a portion of the project site from Village Residential (VR) to Regional Commercial (RC) (amendment to, Exhibit III-18, Roselle/Claribel Comprehensive Planning District, 3.a. and the figure).

2. To allow commercial development for the Village Residential designation in the Tivoli Specific Plan to exceed the recommended 4 percent (amendment to, Exhibit III-18, Roselle/Claribel Comprehensive Planning District, 4.b.).

3. To amend the Roselle/Claribel Comprehensive Planning District to allow the Tivoli Specific Plan to exceed the overall recommended density of 5.1 dwelling units per gross acre (amendment to, Exhibit III-18, Roselle/Claribel Comprehensive Planning District, 4.b.).

4. To allow for the Tivoli Specific Plan neighborhood center focus that combines a neighborhood park and elementary school (amendment to, Exhibit III-18, Roselle/Claribel Comprehensive Planning District, 4.b.).

5. To reclassify Claratina Avenue from a four-lane Class B Expressway to a six-lane Principal Arterial, with a Class I bike path, from Oakdale Road to Roselle Avenue (amendment to, Figure V-1, Circulation and Transportation Diagram).

6. To change Sylvan Avenue from a six-lane Principal Arterial to a four-lane Minor Arterial, with bike lanes, from Oakdale Road to Roselle Avenue (amendment to, Figure V-1, Circulation and Transportation Diagram).

7. To include Class II bike lanes along Oakdale Road from Sylvan Avenue to Claribel Avenue, and

WHEREAS, The General Plan was amended to add a Class I bike path along Claratina Avenue including between Oakdale Road to Roselle Avenue, to add Class II bike lanes along Sylvan Avenue from Oakdale Road to Claus Road, to add Class II bike lanes along Oakdale Road from Sylvan Avenue to Claribel Avenue by City Council Resolution No. 2007-066 on January 9, 2007. This General Plan Amendment occurred along with the adoption of the Non-motorized Transportation Plan, and
WHEREAS, a Final Environmental Impact Report was prepared for the Tivoli Specific Plan (SCH No. 2005072125) and the proposed General Plan Amendment which analyzed the potential environmental effects of the proposed Project, and

WHEREAS, on January 28, 2008, the Planning Commission held a duly noticed public hearing in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, at which hearing evidence both oral and documentary relating to this proposed amendment to the Modesto Urban Area General Plan was considered, and

WHEREAS, after said public hearing, the Modesto Planning Commission adopted Resolution No. 2008-04, recommending to the City Council adoption of the proposed amendment to the General Plan as described in Exhibit “A”, attached hereto and incorporated herein by reference, and

WHEREAS, said matter was set for a public hearing of the City Council to be held on February 26, 2008, in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, at which date and time said duly noticed public hearing of the City Council was held for the purpose of receiving public comment on the proposed amendment to the Modesto Urban Area General Plan as described in Exhibit “A”, attached hereto and incorporated herein by reference.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that it hereby finds and determines that the proposed amendment to the Modesto Urban Area General Plan as described in Exhibit “A”, attached hereto and incorporated herein by reference is required for the public health, safety and welfare of the citizens of Modesto.
BE IT FURTHER RESOLVED by the Council of the City of Modesto that the proposed amendment to the Modesto Urban Area General Plan is consistent with the Final Environmental Impact Report for the Tivoli Specific Plan Project (SCH No. 2005072125) and has been adequately analyzed by the EIR.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that it hereby adopts the proposed amendment to the General Plan as described in Exhibit “A”, attached hereto and incorporated herein by reference.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Community & Economic Development Department Director is hereby authorized and directed to forward certified copies of this resolution and said amendment to the General Plan to the Board of Supervisors, and file a notice of determination within five (5) business days with the Stanislaus County Clerk pursuant to Section 21152 of the Public Resources Code.

BE IT FURTHER RESOLVED that the project applicant shall indemnify, defend, and hold harmless the City of Modesto, its agents, officers, and employees from any and all claims, actions, or proceedings against the City of Modesto, its agents, officers, and employees to attack, set aside, void, or annul, any approval by the City of Modesto and its advisory agency, appeal board, or a legislative body concerning a general plan amendment for the specific plan (File No. P-GPA 04-003), and related files. The City of Modesto shall promptly notify the applicant of any claim, action, or proceeding and shall cooperate fully in the defense. If the City fails to do so, the applicant shall not thereafter be responsible to defend, indemnify, or hold City harmless.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of February, 2008, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Hawn, Keating, Lopez, Marsh, O’Bryant, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

(SIGNATURE)

APPROVED AS TO FORM:

By: 

(SIGNATURE)

SUSANA ACALA WOOD, City Attorney
Exhibit "A"

URBAN AREA GENERAL PLAN AMENDMENT FOR THE TIVOLI SPECIFIC PLAN
EXHIBIT "A"

URBAN AREA GENERAL PLAN AMENDMENT
FOR THE TIVOLI SPECIFIC PLAN

Exhibit III-18

ROSELLE/CLARIBEL

COMPREHENSIVE PLANNING DISTRICT

1. Overview

This 1,700-acre Comprehensive Planning District is intended to create a mixed-use, pedestrian-oriented community similar in nature to Village One. In addition, a business park is proposed adjacent to the Santa Fe Railroad.

2. Principal Comprehensive Planning District Policies

The Comprehensive Plan to implement this Comprehensive Planning District shall address the Principal Comprehensive Planning District Policies presented in this Chapter.

3. Land Use Description

a. Land Use Types: (See Section III-B)

- 1,363 acres designated "Village Residential"
- 260 acres designated "Business Park"
- 67 acres designated "Regional Commercial"

b. Distribution of Land Uses Within the CPD:

(1) The Business Park should be located adjacent to the Santa Fe Railroad.

(2) The supporting commercial uses in this Comprehensive Planning District should be sited to facilitate pedestrian access from the residential areas.

4. Land Use Policies

a. Implementation of Adopted Land Use Policies:

The Comprehensive Plan to implement this Comprehensive Planning District shall address the Land Use Policies presented earlier in this Chapter, as follows:

(1) Overall Land Use Policies (Section III-C(1))
Supplemental Land Use Policies:

In addition, the Comprehensive Plan shall also address the following land use policies which apply to this particular Comprehensive Planning District:

1. Notwithstanding the land use intensities presented in Section III-B, this Comprehensive Planning District shall contain a maximum of 7,300 dwelling units.

2. Adequate buffering shall be provided between the residential uses and the business park uses in this Comprehensive Planning District.

3. Special consideration shall be given in the design of this Comprehensive Planning District and the following edges: the high school site proposed by Village One; the Santa Fe Railroad; and the southern edge of the Riverbank General Plan/Sphere of Influence boundary.

4. The Tivoli Specific Plan may have commercial development in the Village Residential designation exceeding the recommended 4 percent, may have residential development exceeding the overall recommended density of 5.1 dwelling units per gross acre, and may have a neighborhood center focus to include a neighborhood park and elementary school.

c. Housing Policy Implementation:

The Comprehensive Plan which implements this Comprehensive Planning District shall address the relevant Housing Policies presented in Chapter IV for the residentially-designated portion of this Comprehensive Planning District.

5. Provision of Public Facilities and Services:

The Comprehensive Plan to implement this Comprehensive Planning District shall address the public facilities and services policies presented in Chapter V. In addition, the Comprehensive Plan shall also address the following policies which apply to this particular Comprehensive Planning District:

a. This Comprehensive Planning District can be readily served by extensions of the Roselle and Lakewood Sanitary Sewer Trunks that are adjacent in the Village One Comprehensive Planning District.

6. Focused EIR:

The Focused Environmental Impact Report for this Comprehensive Planning District shall consider the following issues identified in the Master Environmental Impact Report for the General Plan:
Figure V-1
(Shul. 1 of 2)
CIRCULATION AND TRANSPORTATION DIAGRAM

LEGEND
FACILITY DESIGNATIONS

- EXPRESSWAY
- PRINCIPAL ARTERIAL
- MAJOR COLLECTOR
- MINOR COLLECTOR
- AIRPORT
- RAILROAD

Note: Designations shown outside the General Plan boundary are illustrative only, subject to other jurisdictions.

There may be more travel lanes at intersections than shown on this diagram.

REFERENCE POINTS
- GENERAL PLAN BOUNDARY
- ADJACENT COMMUNITIES BOUNDARY
- RIVERS
RESOLUTION OF APPLICATION TO THE STANISLAUS LOCAL AGENCY FORMATION COMMISSION TO ANNEX APPROXIMATELY 471 ACRES OF PROPERTY LOCATED NORTH OF SYLVAN AVENUE, SOUTH OF FUTURE CLARATINA AVENUE, EAST OF OAKDALE ROAD, WEST OF ROSELLE AVENUE TO THE CITY OF MODESTO AND THE MODESTO MUNICIPAL SEWER DISTRICT NO. 1 AND SIMULTANEOUSLY DETACH THE TERRITORY FROM THE STANISLAUS CONSOLIDATED FIRE PROTECTION DISTRICT (OWNER INITIATED – INHABITED) (DAVID ROMANO, NEWMAN ~ ROMANO LLC)

WHEREAS, David Romano ("Applicant") of Newman-Romano, LLC, represents some of the property owners of approximately 471 acres of real property, located north of Sylvan Avenue, south of future Claratina Avenue, East of Oakdale Road, west of Roselle Avenue ("Property"), and

WHEREAS, the City has received a written request from the Applicant to initiate reorganization of the Property to the City of Modesto under the Cortese-Knox-Hertzberg Local Reorganization Act of 2000, California Government Code Section 56000, et seq, and

WHEREAS, the Resolution of Application is proposed pursuant to California Government Code Sections 56654 and 56700, and

WHEREAS, the Property proposed for reorganization is inhabited, and a description of the boundaries of the subject Property is set forth in Exhibit “A”, attached hereto and by this reference incorporated herein, and

WHEREAS, the subject Property proposed for reorganization is within Stanislaus County, contiguous to the existing City limits and within the current Sphere of Influence of the City of Modesto, as adopted by Stanislaus Local Agency Formation Commission, Resolution No. 97-11, on December 19, 1994, and
WHEREAS, the Well Site No. 4 Reorganization was approved by Stanislaus LAFCO Resolution 2000-09 on March 22, 2000, annexing the 5.1 acre water well and pump site located within the Property to the City of Modesto and the Modesto Municipal Sewer District No. 1 and detaching the territory from the Stanislaus Consolidated Fire Protection District, and

WHEREAS, the Property includes 8 Williamson Act contracts involving 12 parcels that were protested by the City and were upheld by LAFCO, and

WHEREAS, the proposed reorganization area is covered by the Master Property Tax Agreement entered into between the County of Stanislaus and City of Modesto which was approved by Council Resolution No. 96-170 on April 9, 1996, and

WHEREAS, it is desired to provide that the proposed reorganization be subject to the following terms and conditions:

1. The annexation of said Property (except the Well Site No. 4 Reorganization territory), as set forth on Exhibit “A” attached hereto, to the City of Modesto and the Modesto Municipal Sewer District No. 1.

2. The detachment of said Property from the Stanislaus Consolidated Fire Protection District.

WHEREAS, the reasons for this proposed reorganization to the City of Modesto are as follows:

1. Staff has received a written request from the Applicant, to annex the Property to the City of Modesto.

2. The proposed annexation is consistent with the Urban Area General Plan and can be served by City services.

3. The proposed annexation will result in planned, orderly and efficient development of the area, and provision of services; and

WHEREAS, pursuant to Government Code Section 56653, a plan for providing services is set forth in Exhibit “C”, attached hereto and by this reference incorporated herein, and
WHEREAS, on January 28, 2008, City of Modesto Planning Commission held a duly noticed public hearing in the Chambers, Tenth Street Place, 1010 Tenth Street, Modesto, California, at which time both oral and documentary evidence were received and considered, and

WHEREAS, after said public hearing, the City of Modesto Planning Commission adopted Resolution No. 2008-07, recommending to the City Council that they adopt the Resolution of Application for an annexation of the Property to the City of Modesto and the Modesto Municipal Sewer Service No. 1 and detachment of the Property from the Stanislaus Consolidated Fire Protection District, and

WHEREAS, said matter was set for public hearing of the City Council to be held on February 26, 2008, in the Tenth Street Place Chambers located at 1010 10th Street, Modesto, California, at which date and time said duly noticed public hearing of the Council was held for the purpose of receiving public comment on the proposed reorganization, and

WHEREAS, a Final Environmental Impact Report was prepared for the Tivoli Specific Plan ("Project") (SCH No. 2005072125) and the proposed reorganization which analyzed the potential environmental effects of the proposed Project, and

NOW, THEREFORE, the Council of the City of Modesto hereby finds and determines as follows:
1. That future development of this site shall be consistent with the Modesto Urban Area General Plan adopted by the Modesto City Council by Resolution No. 95-409 on August 15, 1995, and subsequent amendments, and as amended by the proposed amendment for the Tivoli Specific Plan project.

2. That the proposed reorganization is consistent with the Modesto Urban Area General Plan, because it is consistent with General Plan Urban Growth Policy II.C.1.b., which states "Urban development should be kept as contiguous as possible in order to avoid premature urbanization of valuable farm land, foster resident convenience, and provide for economy in City services" and because the development resulting from the proposed and annexation is consistent with the General Plan as amended.

3. The Property proposed for reorganization is inhabited, and a description of the boundaries of the subject Property is set forth in Exhibits "A and B," attached hereto and by this reference incorporated herein.

4. The Property is located within Stanislaus County, is contiguous to the existing sphere of influence and City limits and can be most efficiently served with City services.

5. The proposed reorganization will result in planned, orderly and efficient development of the area, and the most efficient provision of services.

6. That the City exercises its option not to succeed to the Williamson Act Contracts No. 74-1617 (four parcels), 75-1997, 75-2016, 76-2107 (two parcels), 76-2168, 76-2438 (formerly 76-2397), 83-3841, and 88-4171 pursuant to California Government Code Section 51243.5, and tentatively cancel said contract.

7. An agreement for the sharing of property taxes for the Property was approved by the Master Property Tax Agreement entered into between the County of Stanislaus and City of Modesto which was approved by Council Resolution No. 96-170 on April 9, 1996.

8. As determined by the Department of Public Works, there is a reasonable certainty that the City will have adequate wastewater capacity to serve the proposed annexation based on the following findings:

   a. The necessary capital improvement plan is in place because the Near-Term Capacity Study was adopted by the City Council on April 4, 2006, and the Wastewater Master Plan – Collection System was adopted by City Council on March 13, 2007. The construction of the dissolved air floatation device is under way and is expected to be completed on schedule. Additionally, the Phase 1A Tertiary Treatment Facility is currently under design and is on schedule.

   b. The required financing program for the Wastewater Master Plan was developed and the required sewer rates and capacity charges were adopted by the City Council and implemented as of August
The capacity charges serve to fund the project off-site improvements. The Tivoli Specific Plan EIR requires, as a mitigation measure, the project developers to contribute their fair share of the cost of sewer collection and treatment improvements through payment of future capacity charges or an equivalent funding mechanism prior to the issuance of a building permit. Additionally, the project developers are required as a mitigation measure to install all offsite infrastructure needed to serve the project prior to the issuance of a building permit.

c. The City has obtained the draft NPDES permit from the Regional Water Quality Control Board. The discharge permit requirements necessary to move forward with tertiary treatment are contained within the draft NPDES permit. It is anticipated that the final NPDES permit will be approved by the Regional Water Quality Control Board by April, 2008.

d. Based on a review of the anticipated timing of development and upon Near Term Capacity assumptions adopted by the City Council in March, 2007, wastewater treatment capacity is available to serve the Property. The Property is included as part of the miscellaneous non-vested Equivalent Dwelling Unit (EDU) component of the Wastewater Master Plan assumptions.

9. That the proposed reorganization is consistent with the Tivoli Specific Plan Final Environmental Impact Report (SCH No. 2005072125) and has been adequately analyzed by the EIR.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby adopts this Resolution of Application for annexation of the Property to the City of Modesto and Modesto Sewer District No. 1 and the detachment of the Property from the Stanislaus Consolidated Fire Protection District.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that, pursuant to Government Code Section 56653, the City Council submit the plan for providing services as set forth in Exhibit "C", attached hereto and by this reference incorporated herein.

BE IT FURTHER RESOLVED that the project applicant shall indemnify, defend, and hold harmless the City of Modesto, its agents, officers, and employees from any and all claims, actions, or proceedings against the City of Modesto, its agents, officers, and employees to attack, set aside, void, or annul, any approval by the City of Modesto and
its advisory agency, appeal board, or a legislative body concerning the annexation for the specific plan (File No. P-ANX-04-004). The City of Modesto shall promptly notify the applicant of any claim, action, or proceeding and shall cooperate fully in the defense. If the City fails to do so, the applicant shall not thereafter be responsible to defend, indemnify, or hold City harmless.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of February, 2008, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Hawn, Keating, Lopez, Marsh, O’Bryant, Olsen, Mayor Ridenour
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: [Signature]

APPROVED AS TO FORM:

By: [Signature]
SUSANA ALCALA WOOD, City Attorney
Exhibit "A"

WRITTEN DESCRIPTION
31. **Course [31] North 89°40'24" West 264.57 feet** to the east line of the Oakdale-Sylvan Addition Reorganization to the City of Modesto recorded November 11, 1976 at L.N. 23706, Stanislaus County Records;

32. thence along said east line **Course [32] North 00°25'44" West 2582.66 feet** to the south line of the North Beyer Park Reorganization to the City of Modesto recorded June 30, 1995, Stanislaus County Records;

33. thence along said south line **Course [33] North 89°48'45" East 20.00 feet** to the southeast corner of said North Beyer Park Reorganization;

34. thence along the east line of said North Beyer Park Reorganization **Course [34] North 00°34'27" West 1341.87 feet** to the northwest corner of Parcel A, said point being on the north line of the south half of the southwest quarter of Section 2 as shown on that Parcel Map filed for record at Book 25 of Parcel maps at Page 76, Stanislaus County Records;

thence along said quarter quarter section line **Course [35] South 89°43'09" East 2615.63 feet** to the west line of Lot 11 as shown on that Map filed for record at Volume 9 of Maps at Page 76, Stanislaus County Records; thence along said west line **Course [36] North 00°25'45" West 4.35 feet** to the northwest corner of said Lot 11; thence along the north line of said Lot 11 **Course [37] South 89°39'52" East 1305.53 feet** to the northeast corner of said Lot 11; thence along the west line of Lot 6 as shown on said Map **Course [38] North 00°23'43" West 1.38 feet** to the north west corner of said Lot 6; thence along the north line of said Lot 6 **Course [39] South 89°34'38" East 1379.73 feet** to the east line of the 50.00 foot half width of Roselle Avenue; thence parallel with and 50.00 feet easterly of the east line of said Section 2 **Course [40] South 00°16'57" East 1324.34 feet**; thence parallel with and 50.00 feet easterly of the east line of said Section 11 **Course [41] South 00°22'14" East 653.10 feet** to the existing city limits line and being the north line of said Village One High School Reorganization; thence along said north line **Course [42] South 89°47'27" West 80.00 feet** to the Point of Beginning.

EXCEPTING THEREFROM that 5.10 Acre Parcel as shown on Well Site No.4 Reorganization to the City of Modesto recorded August 22, 2000, Stanislaus County Records.

All as shown on attached exhibit “TIVOLI REORGANIZATION to the City of Modesto” made a part hereof and containing 471.15 acres more or less.

END DESCRIPTION

[Signature]

[Stamp]
AREA = 471.15 ACRES

VILLAGE ONE REORGANIZATION TO THE CITY OF MODESTO
DATED 8/21/92
L.N. 0050685

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WELL SITE NO. 4
REORGANIZATION TO
THE CITY OF MODESTO
DATED 8/21/92

DREW BY: JT
FILE: 145513
DATE: 02/07/06
The wastewater collection system and treatment facilities would be impacted by the development of the TSP. The TSP area would connect to the Sonoma Trunk line located on the south side of Sylvan Avenue east of Oakdale Road. If city funding for the main collection system is not available in a timely manner, then the project developers would be responsible to install all on and off site wastewater collection system improvements necessary to serve the project area.

3. Water Delivery: Water service will be provided to the project as identified in the Mitigation Measures provided by the EIR and the Tivoli Specific Plan. Improvements must be provided consistent with City standards.

A Water Supply Assessment prepared for the TSP was adopted on July 5, 2006, by the City Council. The WSA determined that, while development of the project area would increase the demand for potable water, there would be sufficient water supply to serve the project site. Two new water wells would be required in order to maintain adequate water pressure in the City’s delivery system. The City collects water fees to cover wells and main water lines. If funding is not available in a timely manner, then the project developers would be responsible to install the wells and all water system improvements necessary to serve the project area.

4. Storm Water Drainage: Storm Water service will be provided to the project as identified in the Mitigation Measures provided by the EIR and the Tivoli Specific Plan. Improvements must be provided consistent with City standards.

The project proposes two detention basins: a central basin which would detain the 100-year runoff event for the northeastern and central portion of the site (about 80% of the area) and a westerly basin system would serve the southwestern portion of the site. Flows from the westerly basin system would be pumped into the central basin, and from the central basin the runoff would be pumped into the MID lateral about a mile to the north. The project developers would be responsible to install storm drainage system necessary to serve the project area.

5. Solid Waste Disposal: The City uses the Modesto and Stanislaus County Waste-to-Energy Plant, which has capacity to handle new waste from the project site. Gilton Solid Waste is contracted with the City of Modesto to serve the project area. Residential garbage customers have a garbage and recycling program using two cans. The black can is for garbage and recycling only. Recyclables should be placed in blue bags and put the black garbage can along with other household garbage. The green can is for yard waste and food waste only. Commercial garbage customers have large dumpster containers. They can also participate in the recycling program by putting their blue bags of recyclables in the dumpster along with other garbage. Recyclables are processed at the garbage transfer facilities.
The Tivoli Specific Plan defines “backbone” infrastructure as improvements that benefit the broader specific plan area and indicates that such infrastructure must be provided prior to or concurrent with development. The “backbone” infrastructure is broadly described as the street, sewer, water, storm drainage, park, paseos, and public utilities systems. The timing and phasing of the “backbone” infrastructure will be established by the Facilities Master Plan (FMP) and the Infrastructure Financing Plan (IFP). The FMP provide calculations and engineering drawings that provide the sizing, capacity, and layout of “backbone” infrastructure for the project. The IFP identifies costs and provides the funding mechanisms to construct the “backbone” infrastructure identified in the FMP. The primary funding mechanisms would be the creation of a bonded Community Facilities District and city fees.
ADOPT A RESOLUTION AUTHORIZING STAFF TO SUBMIT A LIST OF LOCAL STREET AND ROAD IMPROVEMENT PROJECTS TO THE STATE OF CALIFORNIA IN ORDER FOR THE CITY TO RECEIVE $3.36 MILLION IN PROPOSITION 1B FUNDS, AND ADDING THE LIST OF LOCAL STREET AND ROAD IMPROVEMENT PROJECTS TO THE FISCAL YEAR 07-08 CAPITAL IMPROVEMENT PROGRAM

WHEREAS, in 2006, California voters approved Proposition 1B, the Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006, and

WHEREAS, Proposition 1B provides $19.925 Billion in bond funds for a variety of transportation priorities, including $2 Billion for cities and counties to fund the maintenance and improvement of local transportation facilities, and

WHEREAS, in Phase I, the state appropriated $950 million and of this amount, $550 million will be allocated to cities, and

WHEREAS, based on population, the City of Modesto is eligible to receive $3,364,421 in Phase I funding, and

WHEREAS, each city must submit a list of projects, expected to be funded with Proposition 1B funds to the State of California, Department of Finance, before an allocation is made, and

WHEREAS, project lists submitted to the State of California, Department of Finance, are flexible and substitutions are allowed to respond to local priorities, and

WHEREAS, the list of projects must include the following:

• A description and location of the proposed project
• A proposed schedule for the project’s completion
• The estimated useful life of the Capital improvement
WHEREAS, in order to be eligible, all projects included on the project list submitted to the State of California, Department of Finance, must also be included in the City’s budget that has been adopted by the Council at a regular public meeting, and

WHEREAS, the Proposition 1B Implementation Plan has a three year use-it-or-lose-it stipulation, which means all Proposition 1B Local Streets and Roads Account funds appropriated in FY 2007-2008 must be expended by June 30, 2011, and

WHEREAS, there is no maintenance of effort provision with Proposition 1B funding as this is one-time money, and

WHEREAS, cities can use Proposition 1B funds immediately for improvements to local transportation facilities that will repair and rehabilitate local streets and roads, reduce local traffic congestion, improve traffic flow, or increase traffic safety.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that it hereby authorizes staff to submit a list of local street and road improvement projects to the State of California, Department of Finance, in order for the City to receive $3.36 Million of Proposition 1B Funds.

BE IT FURTHER RESOLVED that the list of local street and road improvement projects attached hereto be added to the Fiscal Year 07-08 Capital Improvement Program (CIP) in accordance with existing CIP budgeting practices.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of March, 2008, by Councilmember Keating, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Keating, Marsh, O’Bryant, Mayor Ridenour
NOES: Councilmembers: None
ABSENT: Councilmembers: Hawn, Lopez, Olsen

ATTEST: 

STEFANIE LOPEZ, Acting City Clerk

APPROVED AS TO FORM:

By: 

SUSAN ALCALA WOOD, City Attorney
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<th>Width (ft)</th>
<th>Length (ft)</th>
<th>Sq. Ft</th>
<th>Est. Cost</th>
<th>Lane Miles</th>
<th>Marking</th>
<th>Total Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Downey Ave</td>
<td>E/of McHenry</td>
<td>W/of Scenic Dr</td>
<td>48</td>
<td>1410</td>
<td>67,880</td>
<td>$294,408.00</td>
<td>1.07</td>
<td>$4,800</td>
<td>$305,988.00</td>
</tr>
<tr>
<td>Buena Vista</td>
<td>W/of Las Flores</td>
<td>E/of La Loma</td>
<td>33</td>
<td>1430</td>
<td>47,190</td>
<td>$146,289.00</td>
<td>0.84</td>
<td>$2,400</td>
<td>$148,689.00</td>
</tr>
<tr>
<td>Briggsmore Ave. E/B</td>
<td>E/of Tully Rd.</td>
<td>W/of College Ave</td>
<td>37</td>
<td>1250</td>
<td>46,250</td>
<td>$201,167.50</td>
<td>0.71</td>
<td>$4,800</td>
<td>$216,012.50</td>
</tr>
<tr>
<td>La Sombra</td>
<td>E/of El Rio Ave</td>
<td>W/of Las Palmas Ave</td>
<td>40</td>
<td>1474</td>
<td>68,960</td>
<td>$182,776.00</td>
<td>0.66</td>
<td>$0</td>
<td>$182,776.00</td>
</tr>
<tr>
<td>Santa Rosa Ave</td>
<td>S/of La Sombra Ave</td>
<td>N/of La Sombra Ave</td>
<td>33</td>
<td>267</td>
<td>8,811</td>
<td>$27,314.10</td>
<td>0.10</td>
<td>$0</td>
<td>$27,314.10</td>
</tr>
<tr>
<td>Orangeburg Ave.</td>
<td>E/of McHenry Ave, W/of Sunrise Ave.</td>
<td>61</td>
<td>2835</td>
<td>160,735</td>
<td>$695,197.25</td>
<td>2.50</td>
<td>$9,600</td>
<td>$725,797.25</td>
<td></td>
</tr>
<tr>
<td>Crow's Landing</td>
<td>S/of HWY 99 Off Rp.</td>
<td>N/of Zett Rd.</td>
<td>16</td>
<td>80</td>
<td>10,200</td>
<td>$44,370.00</td>
<td>0.13</td>
<td>$4,000</td>
<td>$48,370.00</td>
</tr>
<tr>
<td>Graphics</td>
<td>S/of Woodland Ave.</td>
<td>To Curve</td>
<td>37</td>
<td>1200</td>
<td>44,400</td>
<td>$183,140.00</td>
<td>0.45</td>
<td>$2,400</td>
<td>$185,540.00</td>
</tr>
<tr>
<td>El Paso</td>
<td>E/of El Chorro</td>
<td>W/of Capistrano</td>
<td>32</td>
<td>830</td>
<td>26,560</td>
<td>$82,336.00</td>
<td>0.31</td>
<td>$2,400</td>
<td>$84,746.00</td>
</tr>
<tr>
<td>10th St</td>
<td>N/of I Street</td>
<td>S/of J Street</td>
<td>52</td>
<td>450</td>
<td>23,400</td>
<td>$101,750.00</td>
<td>0.26</td>
<td>$2,400</td>
<td>$104,150.00</td>
</tr>
<tr>
<td>11th St</td>
<td>N/of I Street</td>
<td>S/of L Street</td>
<td>52</td>
<td>1350</td>
<td>70,200</td>
<td>$305,370.00</td>
<td>0.77</td>
<td>$2,400</td>
<td>$312,370.00</td>
</tr>
<tr>
<td>Oakdale Rd. N/bound</td>
<td>N/of Wylie Dr.</td>
<td>S/of Orangeburg Ave.</td>
<td>44</td>
<td>1987</td>
<td>87,428</td>
<td>$271,026.80</td>
<td>1.51</td>
<td>$4,800</td>
<td>$275,826.80</td>
</tr>
<tr>
<td>Laurel Ave</td>
<td>E/of Bennett Ave</td>
<td>W/of Martin Luther King</td>
<td>24</td>
<td>1739</td>
<td>41,736</td>
<td>$125,381.60</td>
<td>0.66</td>
<td>$2,400</td>
<td>$127,881.60</td>
</tr>
<tr>
<td>Roseburg Ave. W.</td>
<td>E/of R/R tracks</td>
<td>W/of Sycamore Ave.</td>
<td>37</td>
<td>1602</td>
<td>55,574</td>
<td>$241,746.90</td>
<td>0.57</td>
<td>$2,400</td>
<td>$244,246.90</td>
</tr>
<tr>
<td>Sylvan Ave. Keller</td>
<td>Selby Ln.</td>
<td>W/of Sycamore Ave.</td>
<td>13</td>
<td>2163</td>
<td>28,119</td>
<td>$122,317.65</td>
<td>0.41</td>
<td>$4,800</td>
<td>$127,117.65</td>
</tr>
<tr>
<td>Woodland Ave.</td>
<td>W/of 9th Street</td>
<td>E/of Carpenter Rd.</td>
<td>37</td>
<td>1323</td>
<td>48,951</td>
<td>$212,936.85</td>
<td>0.75</td>
<td>$4,800</td>
<td>$217,736.85</td>
</tr>
<tr>
<td>Tuolumne Blvd.</td>
<td>W/of Nece Dr.</td>
<td>E/of Roselawn</td>
<td>68</td>
<td>1586</td>
<td>107,846</td>
<td>$469,138.80</td>
<td>1.50</td>
<td>$4,800</td>
<td>$473,938.80</td>
</tr>
<tr>
<td>Kansas Ave</td>
<td>W/of Carpenter Rd.</td>
<td>E/of Rosemore Ave.</td>
<td>30</td>
<td>2750</td>
<td>82,500</td>
<td>$358,875.00</td>
<td>1.04</td>
<td>$4,200</td>
<td>$363,075.00</td>
</tr>
<tr>
<td>Needham Ave.</td>
<td>E/of College Ave.</td>
<td>W/of L St.</td>
<td>61</td>
<td>2324</td>
<td>141,764</td>
<td>$616,673.40</td>
<td>1.32</td>
<td>$7,200</td>
<td>$623,873.40</td>
</tr>
<tr>
<td>B St.</td>
<td>E/of 9th St.</td>
<td>W/of 12th St.</td>
<td>42</td>
<td>1092</td>
<td>45,864</td>
<td>$195,808.40</td>
<td>1.03</td>
<td>$4,800</td>
<td>$200,608.40</td>
</tr>
<tr>
<td>Kingswood Dr.</td>
<td>N/of Sylvan Ave.</td>
<td>W/of Forest Glen Dr.</td>
<td>37</td>
<td>627</td>
<td>33,199</td>
<td>$71,916.90</td>
<td>0.36</td>
<td>$0</td>
<td>$71,916.90</td>
</tr>
<tr>
<td>Forest Glen Dr.</td>
<td>N/of Sylvan Ave.</td>
<td>S/of Sylvan Meadows</td>
<td>37</td>
<td>1258</td>
<td>45,436</td>
<td>$140,881.60</td>
<td>0.70</td>
<td>$0</td>
<td>$140,881.60</td>
</tr>
<tr>
<td>San Juan</td>
<td>N/of Yosemite</td>
<td>S/of Miller Ave.</td>
<td>37</td>
<td>560</td>
<td>20,350</td>
<td>$63,065.00</td>
<td>0.21</td>
<td>$0</td>
<td>$63,275.00</td>
</tr>
<tr>
<td>Penny Ln.</td>
<td>Pirinen</td>
<td>170' to the west</td>
<td>34</td>
<td>170</td>
<td>5,780</td>
<td>$17,918.00</td>
<td>0.06</td>
<td>$0</td>
<td>$17,918.00</td>
</tr>
<tr>
<td>Oakdale Rd.</td>
<td>N/of Scenic Dr. to S/of Wylie Dr.</td>
<td>67</td>
<td>1776</td>
<td>118,992</td>
<td>$517,615.20</td>
<td>2.02</td>
<td>$7,200</td>
<td>$524,815.20</td>
<td></td>
</tr>
<tr>
<td>Semple St.</td>
<td>N/of Jones St.</td>
<td>S/of Morris Ave.</td>
<td>27</td>
<td>1590</td>
<td>42,930</td>
<td>$133,083.00</td>
<td>0.60</td>
<td>$0</td>
<td>$133,083.00</td>
</tr>
<tr>
<td>Hatch Rd.</td>
<td>East of Dallas Rd.</td>
<td>E/of Ustich Rd.</td>
<td>40</td>
<td>3365</td>
<td>134,600</td>
<td>$417,260.00</td>
<td>2.65</td>
<td>$4,800</td>
<td>$422,060.00</td>
</tr>
<tr>
<td>East Rumble Rd.</td>
<td>E/of Coffee Rd.</td>
<td>W/of Keller St.</td>
<td>37</td>
<td>1642</td>
<td>60,754</td>
<td>$188,337.40</td>
<td>0.62</td>
<td>$2,400</td>
<td>$190,737.40</td>
</tr>
<tr>
<td>Whitmore Ave.</td>
<td>W/of Tucson</td>
<td>to end of city limit</td>
<td>14</td>
<td>3750</td>
<td>62,500</td>
<td>$228,375.00</td>
<td>1.42</td>
<td>$4,800</td>
<td>$233,175.00</td>
</tr>
<tr>
<td>G St.</td>
<td>E/of 9th St.</td>
<td>W/of Burney</td>
<td>47</td>
<td>3424</td>
<td>160,928</td>
<td>$700,036.80</td>
<td>1.95</td>
<td>$12,000</td>
<td>$712,046.80</td>
</tr>
</tbody>
</table>

| Grind & Pave        | $7,378,262.15 | Total Cost:  | $7,652,862.15 |
| Traffic Painting    | $105,600      |             |               |
| Electrical Detectors| $199,000      |             |               |
|                      | $7,652,862.15 |             |               |

26.67 Lane Miles
MODESTO CITY COUNCIL
RESOLUTION NO. 2008-145

A RESOLUTION APPOINTING A WATER BOND FINANCING TEAM CONSISTING OF SIDLEY AUSTIN, BOND COUNSEL; STRADLING YOCCA CARLSON & RAUTH, DISCLOSURE COUNSEL; PUBLIC FINANCIAL MANAGEMENT INC., FINANCIAL ADVISOR; BANC OF AMERICA SECURITIES LLC, UNDERWRITER AND SWAP COUNTERPARTY AND CITY STAFF WITH RESPECT TO THE PROPOSED REFINANCING OF THE 2006 WATER REVENUE CERTIFICATES OF PARTICIPATION 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, the City previously approved the issuance of the 2006 Water Revenue Certificates of Participation to pay for the cost of certain downstream water system improvements, and

WHEREAS, current investment market conditions require the outstanding 2006 Water Revenue Certificates of Participation to be refinanced in order for the City to maintain the cost savings associated with the original debt issue, and

WHEREAS, the City desires to appoint certain professionals to assist the City in connection with such proposed debt refinancing, and to authorize such professionals and City staff to take all actions necessary, including the preparation of documents to effect such refinancing, 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"); Stradling Yocca Carlson & Rauth, A Professional Corporation of Newport Beach, California, as the Disclosure Counsel to the City in connection with the refinancing of the outstanding 2006 Water Revenue Certificates of Participation, Public Financial Management Inc., San Francisco, California, as Financial Advisor ("Financial Advisor"), and Banc of America Securities LLC as the Underwriter and Swap Agreement Counterparty.

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 refinancing of the City’s outstanding 2006 Water Revenue Certificates of Participation, 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 4th day of March, 2008, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember O’Bryant, was upon roll call carried and the Resolution adopted by the following vote:

AYES: Councilmembers: Hawn, Lopez, Marsh, O’Bryant, Mayor Ridenour
NOES: Councilmembers: Keating
ABSENT: Councilmembers: Olsen

ATTEST: STEPHANIE LOPEZ, Acting City Clerk

APPROVED AS TO FORM:

SUSAN ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2008-146

A RESOLUTION APPROVING AN AGREEMENT FOR BOND COUNSEL SERVICES WITH SIDLEY AUSTIN FOR THE REFINANCING OF THE 2006 WATER REVENUE CERTIFICATES OF PARTICIPATION AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE SAID AGREEMENT

WHEREAS, the City previously issued the 2006 Water Revenue Certificates of Participation in order to finance certain system improvements downstream of the surface water treatment facility, and

WHEREAS, current investment market conditions require the outstanding 2006 Water Revenue Certificates of Participation to be refinanced in order for the City to maintain the cost savings associated with the original debt issue, and

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

WHEREAS, City staff desires the assistance of Sidley Austin to serve as Bond Counsel with regard to the refinancing of the outstanding 2006 Water Revenue Certificates of Participation.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Modesto that it hereby approves an Agreement for Bond Counsel Services with Sidley Austin for the refinancing of the 2006 Water Revenue Certificates of Participation.

BE IT FURTHER RESOLVED that the Interim 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 4th of March, 2008, by Councilmember Hawn, who
moved its adoption, which motion being duly seconded by Councilmember O’Bryant,
was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Hawn, Lopez, Marsh, O’Bryant, Mayor Ridenour
NOES: Councilmembers: Keating
ABSENT: Councilmembers: Olsen

ATTEST:  

(STEPHANIE LOPEZ, Acting City Clerk)

(SEAL)

APPROVED AS TO FORM:

By_  

SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2008-147

A RESOLUTION APPROVING AN AGREEMENT FOR BOND DISCLOSURE COUNSEL SERVICES WITH STRADLING YOCCA CARLSON & RAUTH FOR THE REFINANCING OF THE 2006 WATER REVENUE CERTIFICATES OF PARTICIPATION AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE SAID AGREEMENT.

WHEREAS, the City previously issued the 2006 Water Revenue Certificates of Participation in order to finance certain system improvements downstream of the surface water treatment facility, and

WHEREAS, current investment market conditions require the outstanding 2006 Water Revenue Certificates of Participation to be refinanced in order for the City to maintain the cost savings associated with the original debt issue, and

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

WHEREAS, City staff desires the assistance of Stradling Yocca Carlson & Rauth with regard to the refinancing of the outstanding 2006 Water Revenue Certificates of Participation.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Modesto that it hereby approves an Agreement for Bond Disclosure Counsel Services with Stradling Yocca Carlson & Rauth Austin for the refinancing of the 2006 Water Revenue Certificates of Participation.

BE IT FURTHER RESOLVED that the Interim 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 4th day of March, 2008, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember O’Bryant, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Hawn, Lopez, Marsh, O’Bryant, Mayor Ridenour
NOES: Councilmembers: Keating
ABSENT: Councilmembers: Olsen

ATTEST: [Signature]

STEFANIE LOPEZ, Acting City Clerk
(SEAL)

APPROVED AS TO FORM:

By [Signature]
SUSANA ALCALA WOOD, City Attorney

WHEREAS, plans and specifications have been prepared for the “2004-2005 Pavement Rehabilitation Program - Sylvan Avenue Reconstruction 71’ East of McHenry Avenue to 365’ West of Coffee Road” project, and City staff recommends approval to the City Council, and

WHEREAS, the bids received for the “2004-2005 Pavement Rehabilitation Program - Sylvan Avenue Reconstruction 71’ East of McHenry Avenue to 365’ West of Coffee Road” project were opened at 11:00 a.m. on January 15, 2008, and later tabulated by the Public Works Director for the consideration of the Council, and

WHEREAS, the Public Works Director has recommended that the bid of $1,827,978.30 received from Top Grade Construction, Inc. be accepted as the lowest responsible bid and the contract be awarded to Top Grade Construction, Inc.,

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 “2004-2005 Pavement Rehabilitation Program - Sylvan Avenue Reconstruction 71’ East of McHenry Avenue to 365’ West of Coffee Road,” accepts the bid of Top Grade Construction, Inc. in the amount of $1,827,978.30, and awards Top Grade Construction, Inc. the contract.
BE IT FURTHER RESOLVED that the Interim City Manager, or his designee, is hereby authorized to execute the contract in the amount of $1,827,978.30 for the project titled “2004-2005 Pavement Rehabilitation Program - Sylvan Avenue Reconstruction 71’ East of McHenry Avenue to 365’ West of Coffee Road”.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of March, 2008, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Olsen

ATTEST: 

STEFANIE LOPEZ, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By 

SUSANA ALCALA WOOD, City Attorney
RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO
CONFIRMING THE CANVASS OF THE SPECIAL ELECTION
CONSOLIDATED WITH THE PRESIDENTIAL PRIMARY WHICH WAS HELD
IN THE CITY OF MODESTO ON FEBRUARY 5, 2008, AND DECLARING THE
RESULTS OF SAID ELECTION

WHEREAS, on Tuesday, February 5, 2008, the Presidential Primary Election was held in the City of Modesto (herein called “City”), and

WHEREAS, as set forth in Section 3 hereof, Measures M and N were submitted to the qualified electors in the February 5, 2008, Presidential Primary election, and

WHEREAS, said election was held on Tuesday, February 5, 2008, in accordance with law and the proceedings of this Council, and the votes thereat received and canvassed, and the returns thereof ascertained, determined, and declared in all respects as required by law, and

WHEREAS, the Acting City Clerk canvassed the returns of said Presidential Primary election in accordance with law, and certified the results of the election of the Council by a Certificate of Canvass and Statement of Votes dated March 11, 2008, a copy of which is attached hereto marked Exhibit “A” and made a part hereof;

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

SECTION 1. Said canvass by the Acting City Clerk as shown on the Certificate of Canvass and Statement of Votes and the results of the election are hereby ratified, confirmed and approved.
SECTION 2. That in accordance with Section 10264 of the Elections Code, a copy of said Certificate of Canvass and Statement of Votes, which is attached hereto marked as Exhibit “A” and made a part hereof, shows a complete tabulation of the following:

(A) The whole number of votes cast in the City.
(B) The number of votes given in the City for each Measure.

SECTION 3. The following votes were cast for Measures M and N:

<table>
<thead>
<tr>
<th>Measure</th>
<th>Total Votes For</th>
<th>Total Votes Against</th>
</tr>
</thead>
</table>
| **Measure M:**  
Should the City of Modesto Charter be amended per the “Accountability in City Hall Measure of 2008” as follows: THE INCREASE ACCOUNTABILITY IN CITY HALL MEASURE OF 2008.  
Shall the Modesto City Charter be amended to: Upgrade the mayor’s duties/responsibilities; increase accountability of city departments by requiring city council to implement budget/policy priorities; establish an independent City Auditor, create a citizens’ commission to recommend council salaries, impose mandatory salary caps on city council; require annual performance audits for key personnel; modernize accountability/disciplinary practices; and make deputy directors and attorneys “at will” employees? | 31,946 | 8,861 |
<table>
<thead>
<tr>
<th>Measure N:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Should Modesto change its system of electing City Councilmembers to a &quot;By District&quot; system as follows:</td>
</tr>
<tr>
<td>Six Districts where candidates must live in the District they wish to represent and the voters who live in the District vote on who will represent that District?</td>
</tr>
<tr>
<td>Total Votes For</td>
</tr>
<tr>
<td>-----------------</td>
</tr>
<tr>
<td>29,037</td>
</tr>
</tbody>
</table>

**Measure M.** More than a majority of all the votes cast at the election for Measure M were in favor of said proposed Measure, and said Measure did carry, was approved, and was ratified by a majority of the qualified voters voting on said Measure M.

**Measure N.** More than a majority of all of the votes cast at the election for Measure N were in favor of said proposed Measure, and said Measure did carry, was approved, and was ratified by a majority of the qualified voters voting on said Measure N.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of March, 2008, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Hawn, Keating, Lopez, Marsh, O’Bryant, Olsen

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Ridenour

(Seal)

ATTEST: [Signature]

STEPHANIE LOPEZ, Acting City Clerk

APPROVED AS TO FORM:

By: [Signature]

SUSANA ALCALÁ WOOD, City Attorney
CERTIFICATE OF CANVASS  
AND  
STATEMENT OF VOTE  

PRESIDENTIAL PRIMARY ELECTION  
February 5, 2008  

I, Stephanie Lopez, Acting City Clerk of the City of Modesto, do hereby certify that I caused the Stanislaus County Clerk's Office, on March 11, 2008, to publicly canvass the returns of the Presidential Primary Election held on February 5, 2008, in accordance with Modesto City Council Resolution 67-36. The following are the results of said election:

<table>
<thead>
<tr>
<th>MEASURES</th>
<th>NUMBER OF VOTES</th>
<th>PERCENTAGE OF VOTE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Measure M</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Should the City of Modesto Charter be amended per the “Accountability in City Hall Measure of 2008” as follows: THE INCREASE ACCOUNTABILITY IN CITY HALL MEASURE OF 2008.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Shall the Modesto City Charter be amended to:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Upgrade the mayor’s duties/responsibilities; increase accountability of city departments by requiring city council to implement budget/policy priorities; establish an independent City Auditor, create a citizens' commission to recommend council salaries, impose mandatory salary caps on city council; require annual performance audits for key personnel; modernize accountability/disciplinary practices; and make deputy directors and attorneys “at will” employees?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>31,946</td>
<td>YES</td>
<td>78.29%</td>
</tr>
<tr>
<td>8,861</td>
<td>NO</td>
<td>21.71%</td>
</tr>
<tr>
<td>Measure N</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Should Modesto change its system of electing City Councilmembers to a “By District” system as follows:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Six Districts where candidates must live in the District they wish to represent and the voters who live in the District vote on who will represent the District?</td>
<td></td>
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<tr>
<td>29,027</td>
<td>NO</td>
<td>71.43%</td>
</tr>
<tr>
<td>11,613</td>
<td>YES</td>
<td>28.57%</td>
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VOTER TURNOUT:  

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<th>TOTAL REGISTERED VOTERS</th>
<th>TOTAL TURNOUT</th>
<th>TURNOUT PERCENTAGE</th>
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</thead>
<tbody>
<tr>
<td>Measures M &amp; N</td>
<td>90,834</td>
<td>43,421</td>
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</tbody>
</table>

Stephanie Lopez  
Acting City Clerk/Auditor  
City of Modesto  

March 11, 2008
A RESOLUTION APPOINTING RICHARD MCFARREN TO THE GOLF COURSES ADVISORY COMMITTEE

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

WHEREAS, WHEREAS, the Modesto Golf Club recommends RICHARD MCFARREN, as its representative, to the Golf Courses Advisory Committee.

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

SECTION 1. RICHARD MCFARREN is hereby appointed to the Golf Courses Advisory Committee with term expirations of January 1, 2011.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed member of the Golf Courses Advisory Committee, and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of March, 2008, by Councilmember Keating, who moved its adoption, which motion being duly seconded by Councilmember Lopez, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Hawn, Keating, Lopez, Marsh, O’Bryant, Olsen

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Ridenour

APPROVED AS TO FORM:

SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2008-151

A RESOLUTION APPROVING AMENDMENT NO. 3 TO THE STANDARD AGREEMENT FOR CONSULTANT SERVICES BETWEEN THE CITY OF MODESTO AND GEORGE OSNER, AICP, FOR ON-CALL PLANNING AND ENVIRONMENTAL SUPPORT SERVICES FOR THE COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT AND PUBLIC WORKS DEPARTMENT, FOR AN ADDITIONAL AMOUNT OF $50,000 FOR PUBLIC WORKS, FOR A TOTAL AMOUNT NOT TO EXCEED $239,999, AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT TO AGREEMENT

WHEREAS, on November 14, 2005, the City of Modesto entered into a Standard Agreement for consultant services with George Osner, AICP, Planning Consultant, to provide planning services for the Community & Economic Development Department, in an amount not to exceed $49,999, and

WHEREAS, on July 11, 2006, by Resolution No. 2006-429, the contract was amended for an additional $90,000, for a total amount not to exceed $139,999, and

WHEREAS, the contract amendment extended planning services for the Community & Economic Development Department, Planning Division, for an additional amount of $50,000, and

WHEREAS, the remaining $40,000 was budgeted for services to the Public Works Department, Capital Improvement Services Division, through the Community & Economic Development Department, and

WHEREAS, on January 9, 2007, by Resolution No. 2007-047, the contract was amended for an additional $50,000, for a total amount not to exceed $189,999, and

WHEREAS, the Capital Improvement Services (CIS) Division of the Public Works Department performs a number of tasks requiring environmental planning and processing
support services that, because of workload levels and/or staff experience, are beyond the ability of the City’s engineering staff to accomplish in a timely manner, and

WHEREAS, George Osner has been providing on-call environmental planning consulting, allowing the division to have quick access to specific environmental planning and processing support services, when needed, and

WHEREAS, in accordance with the amended agreement, George Osner has been providing on-call and environmental planning support services for the Community & Economic Development and Public Works Departments, and the amended amount of $40,000 for Public Works has almost been reached, and

WHEREAS, in order to satisfy ongoing needs, the Public Works Department is proposing an Amendment No. 3 to the Standard Agreement for Consultant Services with George Osner for an additional amount of $50,000 for Public Works, for a total amount not to exceed $239,999, and

WHEREAS, George Osner, AICP, will be paid on an hourly basis for actual hours required to perform specific task orders, and

WHEREAS, funds will be budgeted and encumbered against each project specific CIP account as the project is assigned,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves Amendment No. 3 to the Standard Agreement for Consultant Services between the City of Modesto and George Osner, AICP, for on-call planning and environmental support services for the Community & Economic Development Department and Public Works Department, for an additional amount of $50,000 for Public Works, for a total amount not to exceed $239,999.
BE IT FURTHER RESOLVED that the Interim City Manager, or his designee, is hereby authorized to execute the Amendment to Agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of March, 2008, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Lopez, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Hawn, Keating, Lopez, Marsh, O’Bryant, Olsen

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Ridenour

(Seal)

APPROVED AS TO FORM:

BY: ____________________________
    SUSAN ALCALA WOOD, City Attorney
A RESOLUTION AUTHORIZING THE AWARD OF BID AND CONTRACT FOR THE PURCHASE OF A MODULAR BUILDING AND RELOCATION OF AN EXISTING MODULAR BUILDING FOR THE PARKS, RECREATION AND NEIGHBORHOODS DEPARTMENT, COMPOST FACILITY, TO PACIFIC MOBILE STRUCTURES, INC., MODESTO, CA, AND AUTHORIZING THE PURCHASING MANAGER TO ISSUE A PURCHASE ORDER FOR AN ESTIMATED TOTAL COST OF $138,064

WHEREAS, the Parks, Recreation and Neighborhoods Department, Compost Facility, has been in operation since 1997, and

WHEREAS, the existing modular office building at the Compost Facility is fourteen (14) feet wide by forty-eight (48) feet long, and is too small for the seven (7) member staff, and

WHEREAS, the facility frequently has visitors touring the site, and there is no conference room in which to meet with these tour groups or hold meetings, and

WHEREAS, to provide adequate space for staff and visitors, funds were budgeted in FY 2006/2007 CIP for the lease/purchase of a twenty-four (24) foot by sixty (60) foot modular building, and for the relocation/renovation of an existing modular building for use as a Resource Recovery Education Center, and

WHEREAS, on October 24, 2006, the City Council by Resolution No. 2006-667, authorized the Purchasing Manager to issue formal Request for Bids (RFB) for the lease/purchase of a modular building and relocation of an existing modular building, and

WHEREAS, on June 13, 2007, the Purchasing Division issued Request for Bid No. 0607-52 for the lease/purchase of a modular building and relocation of an existing modular building to sixteen (16) prospective bidders, one of which was a local company, posted the bid on the City’s web site, and formally advertised as required by law, and
WHEREAS, on June 22, 2007, a bidders conference was held, one company was in attendance, and

WHEREAS, on July 31, 2007, RFB’s were formally opened in the City Clerk’s office. Of the sixteen (16) prospective bidders, one company chose to respond, and

WHEREAS, the Compost Facility has available funds to purchase the modular building outright, thus saving the City over $35,700 in accrued interest fees, and

WHEREAS, based on providing a responsive and responsible bid, City staff recommends the award of bid and contract for the purchase of a modular building and relocation of an existing modular building for the Parks, Recreation and Neighborhoods Department, Compost Facility, to Pacific Mobile Structures, Inc., Modesto, CA, and authorizing the Purchasing Manager to issue a purchase order for an estimated total cost of $138,064, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $50,000 for material, equipment or contractual services to be formally bid. The award of bid and contract for the purchase of a modular building and relocation of an existing module building for the Parks, Recreation and Neighborhoods Department, Compost Facility, conforms to the Modesto Municipal Code, and

WHEREAS, funds are budgeted and available in account 6290-355-P564-6040 for the purchase of a modular building and the relocation of an existing modular building,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the award of bid and contract for the purchase of a modular building and relocation of an existing modular building for the Parks, Recreation and
Neighborhoods Department, Compost Facility, to Pacific Mobile Structures, Inc., Modesto, CA.

BE IT FURTHER RESOLVED that the Purchasing Manager will issue a purchase order for an estimated total cost of $138,064.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of March, 2008, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Lopez, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Hawn, Keating, Lopez, Marsh, O’Bryant, Olsen

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Ridenour

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney

ATTEST: STEPHANIE LOPEZ, Acting City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2008-153

A RESOLUTION AMENDING THE FY 2007/2008 CAPITAL IMPROVEMENT BUDGET TO APPROPRIATE $103,064 FROM THE COMPOST FUND RESERVES TO 6290-355-P564 TO FULLY FUND THE PURCHASE OF A MODULAR BUILDING AND RELOCATION OF AN EXISTING MODULAR BUILDING

WHEREAS, by purchasing the modular building outright instead of entering into a ten (10) year lease/purchase the City will save approximately $35,700 in accrued interest fees, and

WHEREAS, based on providing a responsive and responsible bid, City staff recommends the award of bid and contract for the purchase of a modular building and relocation of an existing modular building for the Parks, Recreation and Neighborhoods Department, Compost Facility, to Pacific Mobile Structures, Inc., Modesto, CA, for an estimated total cost of $138,064,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby adopts a resolution amending the FY 2007-2008 Capital Improvement Budget to appropriate $103,064 from the Compost Fund Reserves to 6290-355-P564 to fully fund the purchase of a modular building and relocation of an existing modular building.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of March, 2008, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Lopez, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Hawn, Keating, Lopez, Marsh, O’Bryant, Olsen

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Ridenour

ATTEST: [Signature]

APPROVED AS TO FORM:

By: [Signature]

SUSANA ALCALA WOOD, City Attorney
ADOPT A RESOLUTION AUTHORIZING THE AWARD OF BID AND CONTRACT FOR THE PURCHASE OF THREE (3) PASSENGER VANS AND TWO (2) CARGO VANS FOR THE PUBLIC WORKS DEPARTMENT, FLEET SERVICES DIVISION, TO THE FOLLOWING COMPANIES: GOOD CHEVROLET, ALAMEDA, CA, THREE (3) PASSENGER VANS, FOR AN ESTIMATED COST OF $68,061; AND DOWNTOWN FORD, SACRAMENTO, CA, TWO (2) CARGO VANS, FOR AN ESTIMATED COST OF $38,889, AND AUTHORIZING THE PURCHASING MANAGER TO ISSUE PURCHASE ORDERS FOR A TOTAL ESTIMATED COST OF $106,950.

WHEREAS, the Public Works Department, Fleet Services Division has determined that the current vans have reached the end of their useful life and are scheduled for replacement, and

WHEREAS, on August 14, 2007, the City Council, by Resolution No. 2007-495, authorized the Purchasing Manager to issue formal Request for Bids (RFB) for new vehicles and heavy equipment, throughout FY 07/08 through various competitive processes, with the Purchasing Division coming back to Council for award authorization, and

WHEREAS, three (3) passenger vans and two (2) cargo vans were included in the FY 07/08 new vehicles and heavy equipment list authorized by Council, and

WHEREAS, on November 13, 2007, the Purchasing Division issued RFB No. 0708-17 for the purchase of three (3) passenger vans and two (2) cargo vans, the bid was posted on the City’s web site and formally advertised as required by law, and

WHEREAS, on December 18, 2007, RFB’s were formally opened in the City Clerk’s office. Of the forty-two (42) prospective bidders, nine (9) companies chose to respond, and
WHEREAS, one company submitted a non-responsive and non-responsible bid and their bid submittal was rejected, and

WHEREAS, based on being deemed the lowest responsive and responsible bids, staff recommends the award of bid and contract for the purchase of three (3) passenger vans and two (2) cargo vans for a total estimated cost of $106,950 to the following companies:

Good Chevrolet, Alameda, CA, for three (3) passenger vans, for a total estimated cost of $68,061.

Downtown Ford, Sacramento, CA, for two (2) cargo vans, for a total estimated cost of $38,889, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $50,000 for material, equipment or contractual services to be formally bid. The award of bid and contract for the purchase of three (3) passenger vans and two (2) cargo vans for the Public Works Department, Fleet Services Division conforms to the Modesto Municipal Code, and

WHEREAS, funds are budgeted and available in the following accounts for the purchase of three (3) passenger vans and two (2) cargo vans for FY 07/08, Account numbers 7210-480-5814-5767, 7210-480-5814-5776, 7210-480-5814-5758, 7210-480-5814-5795 and 7210-480-5814-5797,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes, award of bid and contract for the purchase of three (3) passenger vans and two (2) cargo vans for a total estimated cost of $106,950 to the following companies: Good Chevrolet, Alameda, CA, three (3) passenger vans, for an estimated cost of $68,061; and Downtown Ford, Sacramento, CA, two (2) cargo vans, for an estimated cost of $38,889.
BE IT FURTHER RESOLVED that the Purchasing Manager is hereby authorized to issue purchase orders for a total estimated cost of $106,950.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of March, 2008, by Councilmember Keating, 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: Hawn, Keating, Lopez, Marsh, O'Bryant, Olsen

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Ridenour

ATTEST: 

CLERK

APPROVED AS TO FORM:

By: 

SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2008-155

A RESOLUTION AMENDING THE FISCAL YEAR 2007-2008 ANNUAL BUDGET

WHEREAS, a monthly financial analysis has been completed and it has been determined that certain adjustments are required to the Annual Budget of the City of Modesto for the Fiscal Year 2007-2008,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that appropriations, revenues, and transfers for the 2007-2008 budget have been adjusted as shown on the Budget Request form(s).

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 11th day of March 2008, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Hawn, Keating, Lopez, Marsh, O’Bryant, Olsen

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Ridenour

ATTEST: ____________________________

(Seal)

APPROVED AS TO FORM:

By: ________________

SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2008-156

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT AN $80,000 GRANT ON BEHALF OF THE CITY OF MODESTO FIRE DEPARTMENT TO THE STANISLAUS COMMUNITY FOUNDATION GIVEN BY KAISER COMMUNITY BENEFITS GRANT PROGRAM AND TO EXECUTE ANY NECESSARY GRANT ACCEPTANCE DOCUMENTS

WHEREAS, in 1994 the Modesto Fire Department recognized a need to automatic defibrillator units on first responder apparatus, and

WHEREAS, lacking Department funding the Modesto Firefighters reached out to the community for assistance in funding this need, and

WHEREAS, a total of 80 businesses and individuals donated $98,000, and

WHEREAS, the Modesto Fire Department established a non-profit 501(c) account under the name Firefighters Emergency Medical Services, through the Stanislaus Community Foundation, and

WHEREAS, in 2005 the Modesto Fire Department developed an Advanced Life Support program, and

WHEREAS, the protocols for the Advanced Life Support program have changed, and the program now requires a higher-level of reporting, and

WHEREAS, with these needs in mind the Modesto Fire Department applied for, and was successful in obtaining, a Kaiser Community Benefits Grant in the amount of $80,000, and

WHEREAS, this grant was made to the Stanislaus Community Foundation for use by the City of Modesto Fire Department for purchases related to the medical needs of the community,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto, it hereby accepts the $80,000.00 grant from Stanislaus Community Foundation on behalf of the Modesto Fire Department from the Kaiser Community Benefits Grant Program.

BE IT FURTHER RESOLVED, that the Interim City Manager, or his designee, is hereby authorized to execute any necessary Grant acceptance documents.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of March, 2008, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Lopez, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Hawn, Keating, Lopez, Marsh, O'Bryant, Olsen

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Ridenour

ATTEST: 

APPROVED AS TO FORM:

By: 

SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2008-157

A RESOLUTION AUTHORIZING THE FINANCE DEPARTMENT TO AMEND THE 2007-2008 FISCAL YEAR OPERATING BUDGET TO REFLECT GRANT REVENUE IN THE AMOUNT OF $80,000.00 FROM THE KAISER COMMUNITY BENEFITS GRANT AND INCREASE APPROPRIATIONS FOR CAPITAL OUTLAY BY $80,000.00

WHEREAS, in 1994 the Modesto Fire Department recognized a need for automatic defibrillator units on first responder apparatus, and

WHEREAS, lacking Department funding the Modesto Fire Department reached out to the community for assistance in funding this need, and

WHEREAS, a total of 80 businesses and individuals donated $98,000, and

WHEREAS, the Modesto Fire Department established a non-profit 501(c) account under the name Firefighters Emergency Medical Services, through the Stanislaus Community Foundation, and

WHEREAS, in 2005 the Modesto Fire Department developed an Advanced Life Support program, and

WHEREAS, the protocols for the Advanced Life Support program have changed, and the program now requires a higher-level of reporting, and

WHEREAS, with these needs in mind the Modesto Fire Department applied for, and was successful in obtaining, a Kaiser Community Benefits Grant in the amount of $80,000, and

WHEREAS, this grant was made to the Stanislaus Community Foundation for use by the City of Modesto Fire Department for purchases related to the medical needs of the community,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto, that it hereby approves amending the 2007-2008 Fiscal Year Operating Budget to recognize grant revenue and appropriations in the amount of $80,000.00 within the fire Department accounts.

BE IT FURTHER RESOLVED, that the Finance Director, 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 11th day of March, 2008, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Lopez, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Hawn, Keating, Lopez, Marsh, O’Bryant, Olsen

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Ridenour

ATTEST: ____________________

STEFHANIE LOPEZ, Acting City Clerk

APPROVED AS TO FORM:

By: ____________________________

SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2008-158

A RESOLUTION AUTHORIZING THE PURCHASING MANAGER TO PURCHASE
THE GRANT-FUNDED ITEMS THROUGH USE OF EXISTING CONTRACTS WITH
OTHER AGENCIES, INCLUDING THE LOS ANGELES CITY FIRE DEPARTMENT
AND THROUGH THE SOLE-SOURCE PURCHASE OF RELATED SOFTWARE
THROUGH ZOLL FOR A TOTAL ESTIMATED COST OF $80,000

WHEREAS, in 1994 the Modesto Fire Department recognized a need for
automatic defibrillator units on first responder apparatus, and
WHEREAS, lacking Department funding the Modesto Fire Department reached
out to the community for assistance in funding this need, and
WHEREAS, a total of 80 businesses and individuals donated $98,000, and
WHEREAS, the Modesto Fire Department established a non-profit 501(c)
account under the name Firefighters Emergency Medical Services, through the Stanislaus
Community Foundation, and
WHEREAS, in 2005 the Modesto Fire Department developed an Advanced Life
Support program, and
WHEREAS, the protocols for the Advanced Life Support program have changed
and the program now requires a higher level of reporting, and
WHEREAS, with these needs in mind the Modesto Fire Department applied for,
and was successful in obtaining, a Kaiser Community Benefits Grant in the amount of
$80,000, and
WHEREAS, this grant was made to the Stanislaus Community Foundation for use
by the City of Modesto Fire Department for purchases related to the medical needs of the
community, and
WHEREAS, the purchase of equipment needed to successfully support the expanded reporting and patient care will be made through sole-source (current Fire Department software, FIRE-RMS - through Zoll) or through the use of existing piggy-back-able contracts,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto, that it hereby authorizes the Purchasing Manager to purchase the grant-funded items through sole-source and existing “piggy-back-able” contracts for a total estimated cost of $80,000.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of March, 2008, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Lopez, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Hawn, Keating, Lopez, Marsh, O’Bryant, Olsen
NOES: Councilmembers: None
ABSENT: Councilmembers: Mayor Ridenour

ATTEST:  

Clerk

APPROVED AS TO FORM:

By:  

SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2008-159

A RESOLUTION APPROVING AN ENVIRONMENTALLY PREFERABLE PURCHASES AND PRACTICES POLICY FOR THE CITY OF MODESTO ENCOURAGING THE PURCHASE OF PRODUCTS MADE FROM RECYCLED MATERIALS WHENEVER PRACTICABLE

WHEREAS, with the onset of AB939 in 1989, communities around the state have worked to implement waste reduction and recycling programs to reduce the amount of waste going to the state’s landfills, and

WHEREAS, one effective tool to achieve these goals has been the implementation of formal environmentally friendly purchasing policies for businesses and local governments. Such policies encourage and/or require agencies to seek alternative products or services that leave a smaller footprint on the environment, and

WHEREAS, the Solid Waste Division of the Parks, Recreation and Neighborhoods Department applies for multiple waste reduction and recycling grants from various sources each year, mostly from the California Integrated Waste Management Board (CIWMB), and

WHEREAS, grant applications now require grantees to have formal environmentally preferable purchases and practices policies in place or they will be ineligible for grant awards, and

WHEREAS, staff is requesting that the City Council adopt the proposed Environmentally Preferable Purchases and Practices Policy, a copy of which is attached hereto as Exhibit “A” and incorporated herein by reference, and

WHEREAS, this policy encourages city departments to use recycled products or eco-friendly options whenever practicable, it does not require such purchases,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves an Environmentally Preferable Purchases and Practices Policy for the City of Modesto encouraging the purchase of products made from recycled materials whenever practicable.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of March, 2008, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Lopez was upon roll call carried and the resolution adopted by the following vote:

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

Attest: 

STEPHANIE LOPEZ, Acting City Clerk

APPROVED AS TO FORM:

By: 

SUSANA ALCALA WOOD, City Attorney
ENVIRONMENTALLY PREFERABLE PURCHASES
The City of Modesto provides that all departments shall, whenever practicable and financially viable, use recycled products and recycled materials to meet their needs. This policy is enacted to demonstrate the City's desire to become compliant with the Waste Management Reduction Act and foster market development for recycled products.

PROCUREMENT POLICIES
A. All City of Modesto departments shall make a good faith effort to use recycled products whenever practicable and financially viable. Special emphasis shall be placed on the purchase of products manufactured with post-consumer recycled materials.
B. All City of Modesto departments may, at their option and with purchasing concurrence, require procurement of designated recycled products or recycled products above the levels required by this policy.
C. The City of Modesto shall encourage its contractors and consultants to use and specify recycled products in fulfilling contractual obligations whenever practicable and financially viable.
D. The City of Modesto shall promote the use of recycled products by internally publicizing its procurement policy on the City's website.

PURCHASE RESPONSIBILITIES OF RECYCLED PRODUCTS AND MATERIALS COORDINATOR
The Purchasing Manager shall work with the Recycling Program Coordinator regarding the implementation of this policy. They will establish a list of recycled products that can be purchased by all City of Modesto departments whenever practicable and financially viable and will develop the mechanism for maintenance, additions, and deletions to the list of recycled products available for procurement. Maintenance of the list will include addition of new products containing recycled material as they become available. Specifications of these new products and their suggested uses will be made available online to all City of Modesto departments. The Recycling Program Coordinator will also work with all departments to establish minimum recycled content standards for designated recycled products to maximize recycled product availability, recycled content, and competition. The Recycling Program Coordinator will also be responsible for annual policy review.

ENVIRONMENTALLY PREFERABLE PRACTICES
The City of Modesto will continue to make resource conservation an integral part of its waste reduction and recycling programs. The practice of discarding
materials used in the City of Modesto facilities is wasteful of natural resources, energy, and money.

PRACTICE POLICIES
1. The City of Modesto will continue to integrate the concept of resource conservation, including waste reduction and recycling, into its environmental programs.
2. The City of Modesto will decrease the amount of waste of consumable materials by: a) reducing the consumption of consumable materials wherever possible; b) fully utilizing all materials prior to disposal; and c) minimizing the use of non-biodegradable products wherever possible.
3. As systems for recovering waste and recycling develop within the waste industry, the City of Modesto will participate by appropriately separating and allowing recovery of recyclable waste products.
4. The City of Modesto will purchase, where financially viable, recycled products. The City of Modesto will also encourage suppliers, both private and public, to make recyclable products and unbleached paper products available for purchase.
5. Representatives of the City of Modesto will actively advocate, where appropriate, for resource conservation practices to be adopted at the local, regional, and national levels.
MODESTO CITY COUNCIL
RESOLUTION NO. 2008-160

A RESOLUTION ACCEPTING THE WORK BY JHK CONSTRUCTION FOR THE PROJECT TITLED “KING KENNEDY MEMORIAL CENTER KITCHEN & AUDITORIUM RENOVATION” AS COMPLETE, AUTHORIZING THE ACTING CITY CLERK TO FILE A NOTICE OF COMPLETION WITH THE STANISLAUS COUNTY RECORDER AND TO RELEASE SECURITIES UPON EXPIRATION OF STATUTORY PERIODS, AND AUTHORIZING PAYMENT OF AMOUNTS TOTALING $675,571.75.

WHEREAS, a report has been filed by the Public Works Director that the project titled “King-Kennedy Memorial Center Kitchen and Auditorium Renovation” has been completed by JHK Construction in accordance with the contract agreement dated April 24, 2007,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the project titled “King-Kennedy Memorial Center Kitchen and Auditorium Renovation” is hereby accepted as complete from said contractor JHK Construction, that the Acting City Clerk is authorized to file a Notice of Completion with the Stanislaus County Recorder and to release securities upon expiration of statutory periods, and that payment of amounts totaling $675,571.75 is authorized as provided in the contract.
The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 11th day of March, 2008, by Councilmember Hawn, who
moved its adoption, which motion being duly seconded by Councilmember Lopez, was
upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Hawn, Keating, Lopez, Marsh, O’Bryant, Olsen
NOES: Councilmembers: None
ABSENT: Councilmembers: Mayor Ridenour

ATTEST: 

APPROVED AS TO FORM:

By 

SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2008-161

A RESOLUTION APPROVING AN AGREEMENT WITH PACIFIC DESIGN ASSOCIATES, INC. TO PREPARE A FINAL PROJECT DESIGN FOR THE WATER QUALITY CONTROL LABORATORY REMODEL PROJECT IN AN AMOUNT NOT TO EXCEED $14,345.00, AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT.

WHEREAS, in the 2007 Capital Improvement Program, the Wastewater Division of the Public Works Department initiated a project to remodel the existing Water Quality Control Laboratory, and

WHEREAS, the project was for the expansion of the facility to house new equipment that would allow the lab to perform tests that are currently being contracted to outside firms, and

WHEREAS, the lab expansion would have provided space for advanced analytical equipment that would also allow the lab to contract with other cities and agencies to perform their testing requirements, and

WHEREAS, the Wastewater Division of the Public Works Department selected Pacific Design Associates, Inc. (Pacific Design) as the Consultant Architect, and

WHEREAS, Wastewater staff then worked with Pacific Design until the design was ready to advertise, and

WHEREAS, a pre-construction conference was held for the project on March 16, 2007, and Gwinn Construction submitted several highly technical requests for information (RFI), and

WHEREAS, the Construction Administration Office was unable to answer all of contractor’s technical questions, and
WHEREAS, a meeting was held with the design consultant in an effort to clarify the work scope and provide the information, and

WHEREAS, during the meeting the consultant stated that the contractor should provide the missing system performance information and further advised City staff that providing additional information, and/or a revised plan set, would be considered added design scope resulting in additional design cost to the City, and

WHEREAS, after further meetings with the contractor and design consultant, it was determined that the project could not continue without additional design and subsequent construction costs, and

WHEREAS, since the project had been significantly delayed, the contractor requested to have the contract canceled at no cost to the City, and

WHEREAS, on November 27, 2007, the City Council, by Resolution No. 2007-708, canceled the contract with Gwinn Construction, and

WHEREAS, City staff recommends an agreement with the consulting firm of Pacific Design be approved to perform the additional design services as the City does not have the staffing level to design these projects and current workload levels do not provide for timely in-house solutions/responses, and

WHEREAS, selecting Pacific Design to complete the additional design services will maximize benefits to the City related to utilizing knowledge gained through the preliminary design effort, and

WHEREAS, Pacific Design will be paid on a time and materials basis for actual hours required performing individual tasks at a set rate,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an agreement with Pacific Design Associates, Inc. for final project design services of the Water Quality Control Lab Remodel project in an amount not to exceed $14,345.

BE IT FURTHER RESOLVED that the Interim 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 11th day of March, 2008, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Lopez, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Hawn, Keating, Lopez, Marsh, O’Bryant, Olsen

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Ridenour

ATTEST:  

STEPHANIE LOPEZ, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By  

SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2008-162

A RESOLUTION AMENDING THE CURRENT CAPITAL IMPROVEMENT PROGRAM (CIP) BUDGET BY APPROVING A TRANSFER OF FUNDS IN THE AMOUNT OF $3,100 FROM OBJECT 6040 CONSTRUCTION TO OBJECT 6010 ENGINEERING/DESIGN ADMINISTRATION WITHIN CIP ACCOUNT 6210-480-B584 “WQC LAB REMODEL-SECONDARY” IN ORDER TO FULLY FUND THE AGREEMENT WITH PACIFIC DESIGN ASSOCIATES, INC. TO PERFORM THE REQUIRED FINAL PROJECT DESIGN SERVICES OF THE WATER QUALITY CONTROL LABORATORY REMODEL.

WHEREAS, certain budgetary transactions are necessary to fully fund the Agreement with Pacific Design Associates, Inc. for additional design services in the amount of $14,345, to prepare a final project design and for reimbursable expenses for the project titled “Water Quality Control Laboratory Remodel,” and

WHEREAS, to fully fund the Agreement and cover additional design costs the current Capital Improvement Program budget must be amended by transferring funds in the amount of $3,100 from Object 6040 Construction to Object 6010 Engineering/Design/Administration within CIP Account 6210-480-B584 (WQC Lab Remodel-Secondary) to perform the required final project design services to complete the project titled “Water Quality Control Laboratory Remodel,”

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the transfer of funds as set forth herein to fully fund the Agreement with Pacific Design Associates, Inc. for additional design services in the amount of $14,345, to prepare a final project design and for reimbursable expenses for the project titled “Water Quality Control Laboratory Remodel.”
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of March, 2008, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Lopez, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Hawn, Keating, Lopez, Marsh, O'Bryant, Olsen

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Ridenour

ATTEST: [Signature]

SEAL

APPROVED AS TO FORM:

By [Signature]

SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL  
RESOLUTION NO. 2008-163  

A RESOLUTION ACCEPTING THE PRELIMINARY DESIGN REPORT FOR THE PRIMARY OUTFALL REHABILITATION PROJECT, DATED MARCH 2008, AS COMPLETE.  

WHEREAS, the City of Modesto (City) owns and operates approximately 6.5 miles of 60-inch diameter pipeline that transports primary effluent from the Sutter Avenue Primary Water Quality Control (WQC) Plant (Primary Plant) to the Jennings Road Secondary WQC Plant (Secondary Plant), and  

WHEREAS, the existing Primary Outfall pipeline was constructed in 1969, and  

WHEREAS, the condition of the Primary Outfall pipe has deteriorated over its operational life due to internal hydrogen sulfide-induced corrosion that has resulted in pipe repairs, and  

WHEREAS, although approximately 7,000 feet of the Primary Outfall has been rehabilitated in two locations along the alignment, subsequent spot inspections by the City have identified a continuing deterioration in the Primary Outfall and the need for corrective action, and  

WHEREAS, on March 13, 2007, the City Council approved, by Resolution No. 2007-178, certifying the Final Master Environmental Impact Report for the City of Modesto Wastewater Master Plan Update, which identified that the Primary Outfall has insufficient capacity under its current operating condition for projected Peak Dry Weather Flow, and recommended changing the operating condition from a gravity system to a continuous force main, and  

WHEREAS, this project will not only rehabilitate the Primary Outfall, but will also increase its hydraulic capacity, improve reliability, and reduce future maintenance, and
WHEREAS, the City Council, on June 12, 2007, by Resolution No. 2007-350, approved an Agreement with Brown and Caldwell to complete the 35% design effort and a Preliminary Design Report (PDR) for the Primary Outfall Rehabilitation Project, and

WHEREAS, the PDR summarizes existing facilities, details proposed project elements and rehabilitation method descriptions, presents preliminary engineering drawings, and provides estimated cost and schedule projections for project implementation, and

WHEREAS, the PDR has been completed and will serve as the basis of final design for the Primary Outfall Rehabilitation project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the Preliminary Design Report for the Primary Outfall Rehabilitation Project, dated March 2008, as complete.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of March, 2008, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Lopez, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Hawn, Keating, Lopez, Marsh, O’Bryant, Olsen

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Ridenour

ATTEST: 

STEFANIE LOPEZ, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By  
SUSANA ALCALA WOOD, City Attorney

3/11/08/PW/WWeng/item13  2  2008-163
MODESTO CITY COUNCIL  
RESOLUTION NO. 2008-164

A RESOLUTION ACCEPTING THE PRELIMINARY DESIGN REPORT FOR EMERALD TRUNK REHABILITATION PROJECT, DATED MARCH 2008, AS COMPLETE.

WHEREAS, the Emerald Trunk Line conveys raw wastewater in the City’s Service Area 2 along the Emerald Avenue corridor and consists of approximately 17,000 feet of reinforced concrete pipe, and

WHEREAS, the Emerald Trunk has experienced three recent collapses that required expedited and costly pipe replacement projects, and

WHEREAS, the City is now undergoing this project to rehabilitate the Emerald Trunk Line to protect it from further corrosion damage and extend its service life, and

WHEREAS, the project is located in a busy corridor with numerous roadway, railroad, utility, and channel crossings, as well as a variety of residential, commercial, and school properties, and

WHEREAS, on June 12, 2007, the City Council, by Resolution No. 2007-349, approved an Agreement with Brown and Caldwell to complete the 35% design effort and a Preliminary Design Report (PDR) for the Emerald Trunk Rehabilitation Project, and

WHEREAS, the PDR summarizes existing facilities, details proposed project elements and rehabilitation method descriptions, presents preliminary engineering drawings, and provides estimated cost and schedule projections for project implementation, and

WHEREAS, to limit project impacts to Emerald Avenue, the PDR considered rehabilitation methods that utilize trenchless technologies such as slip lining or cured-in-place pipe (CIPP), and
WHEREAS, the PDR has been completed and will serve as the basis for the final design of the Emerald Trunk Rehabilitation Project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the Preliminary Design Report for Emerald Trunk Rehabilitation Project, dated March 2008, as complete.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of March, 2008, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Lopez, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Hawn, Keating, Lopez, Marsh, O’Bryant, Olsen
NOES: Councilmembers: None
ABSENT: Councilmembers: Mayor Ridenour

ATTEST: STEPHANIE LOPEZ, Acting City Clerk
(SEAL)

APPROVED AS TO FORM:

By SUSANA ALCALA WOOD, City Attorney
A RESOLUTION GRANTING IN PART AND DENYING IN PART THE APPEAL OF RENEE ELLIS REGARDING SPARKLES CAR WASH LOCATED AT 3931 COFFEE ROAD FOR MODIFICATION OF CAPITAL FACILITIES FEES

WHEREAS, on June 24, 2003, the Modesto City Council adopted Resolution No. 2003-309 updating its Capital Facilities Fee ("CFF") program for the establishment and collection of fees for future capital facilities, and

WHEREAS Resolution No. 2003-309 defines the categories of uses and rates on which the fees will be collected, and

WHEREAS, the categories identified in the CFF program include a broad range of uses based on square footage to ensure that each use pays its share of the CFF based on the anticipated impacts of the development, and

WHEREAS, the current City practice is to charge self-service car washes the retail rate based on square footage as a result of the comprehensive study undertaken to enact the CFF program which went into effect in September 2003, and

WHEREAS, on October 20, 2007, Renee Ellis (hereinafter Appellant) requested an appeal of her CFF determination for Sparkles Car Wash, located at 3931 Coffee Road, and

WHEREAS, said appeal was set for a public hearing before the City Council at its regular meeting place in the Tenth Street Place Chambers located at 1010 10th Street, Modesto, California, on March 11, 2008, at 5:30 p.m., at which date and time said duly noticed public hearing was held and evidence, both oral and documentary, was received and considered,
NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto, that it hereby makes the following findings:

1. The City Council has heard the appeal of Appellant and considered both the written and oral evidence presented at the hearing. The City Council finds that self-service car washes fall within the normal range for retail uses as outlined in the CFF program based on the afternoon peak hour rates per 1,000 sq. feet for the range of retail uses as denoted in the Institute of Transportation Manual and that staff appropriately categorized the use. Therefore, Appellant’s portion of the appeal that staff incorrectly placed self-service car washes within the normal range for retail uses is denied.

2. Council further finds that there appeared to be contradictory information on the calculation of said fee provided in the written correspondence from the City that was provided to the Appellant. This contradictory information led to some confusion as to the appropriate fee calculation to be applied, and as a result the City Council finds the interest of justice and equity warrant granting the Appellant’s appeal in part by reducing the fee to be assessed to the applicant from $79,693.02 to $46,118.35. A refund of $33,574.67 shall be issued to the Appellant.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that it hereby grants in part and denies in part the appeal of Renee Ellis regarding modification of Capital Facilities Fees for self-service car washes for the reason set forth above. A refund of $33,574.67 shall be issued to Appellant.
The foregoing resolution, as amended by the Council, was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of March, 2008, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Keating, Lopez, O'Bryant, Olsen

NOES: Councilmembers: Hawn, Marsh

ABSENT: Councilmembers: Mayor Ridenour

ATTEST: [Signature]

STEPHANIE LOPEZ, City Clerk

APPROVED AS TO FORM:

By: [Signature]

SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2008-165

A RESOLUTION AMENDING RESOLUTION NO. 2008-047 TITLED, “A RESOLUTION APPROVING THE FINAL MAP OF 1000 BRIGHTON FOR CONDOMINIUM PURPOSES IN THE PLANNED DEVELOPED ZONE, P-D(264), AREA OF THE CITY OF MODESTO AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE A SUBDIVISION AGREEMENT WITH MSB BRIGHTON, LLC” TO INCLUDE LANGUAGE APPROVING THE ABANDONMENT OF A 6-FOOT CITY OF MODESTO PLANTING EASEMENT ALONG LOTS 15, 16 AND 17 PER THE FINAL MAP

WHEREAS, on January 22, 2008, the City Council of the City of Modesto approved Resolution No. 2008-047 titled, “A Resolution Approving the Final Map of 1000 Brighton for Condominium purposes in the Planned Developed Zone, P-D(264), Area of the City of Modesto and Authorizing the Interim City Manager, or his Designee, to Execute a Subdivision Agreement with MSB Brighton, LLC”, and

WHEREAS, Resolution No. 2008-047, approved the Final Map of 1000 Brighton, and

WHEREAS, the City Clerk was unable to record the Final Map because Resolution No. 2008-047 did not include language approving the abandonment of a 6-foot City of Modesto planting easement along Lots 15, 16 and 17 per the Final Map,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves amending Resolution No. 2008-047 titled, “A Resolution Approving the Final Map of 1000 Brighton for Condominium purposes in the Planned Developed Zone, P-D(264), Area of the City of Modesto and Authorizing the Interim City Manager, or his Designee, to Execute a Subdivision Agreement with MSB Brighton, LLC”, to include language approving the abandonment of a 6-foot City of Modesto planting easement along Lots 15, 16 and 17 per the Final Map.

BE IT FURTHER RESOLVED, that the Acting City Clerk is hereby authorized to record the Final Map for 1000 Brighton with the Stanislaus County Clerk Recorder.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of April, 2008, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Lopez, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:  

(SIGNATURE)

STEFANIE LOPEZ, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By  

(SIGNATURE)

SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL  
RESOLUTION NO. 2008-166

A RESOLUTION DIRECTING STAFF TO PREPARE AND FILE AN ANNUAL REPORT FOR LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NO. 1 FOR DRY CREEK MEADOWS SUBDIVISIONS NOS. 1-6

WHEREAS, Resolution No. 88-935 adopted by the Council of the City of Modesto on December 13, 1988, initiated proceedings for the formation of Landscape Assessment District No. 1 for the purpose of administering the maintenance of landscaping in the public right-of-way within the street medians and adjacent to the access control walls in Dry Creek Meadows Subdivisions Nos. 1-6.

WHEREAS, said assessment district was formed in accordance with the Landscaping and Lighting Act of 1972 (Streets and Highways Code Sections 22500 through 22679), and

WHEREAS, Section 22622 of the Streets and Highways Code requires the legislative body (the City Council) to adopt a resolution which shall generally describe any proposed new improvements or any substantial changes in existing improvements and direct staff to prepare and to file a report accordingly,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that there being no proposed new improvements or any substantial changes in existing improvements in Dry Creek Meadows Subdivisions Nos. 1-6, the City Engineer, the person designated by this Council as the Engineer of Work for Assessment District No. 1, is hereby directed to prepare and file an annual report in accordance with the provisions of the Landscaping and Lighting Act of 1972, as amended, (Streets and Highways Code Sections 22500 through 22679).
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of April, 2008, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Lopez, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Hawn, Keating, Lopez, Marsh, O’Bryant, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

STEPHANIE LOPEZ, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By 

SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2008-167

A RESOLUTION DIRECTING STAFF TO PREPARE AND FILE AN ANNUAL REPORT FOR LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NO. 2 FOR DRY CREEK MEADOWS SUBDIVISIONS NOS. 7-10, CREEKWOOD MEADOWS SUBDIVISION, AND YOSEMITE MEADOWS SUBDIVISIONS UNITS 1 & 2

WHEREAS, Resolution No. 89-460 adopted by the Council of the City of Modesto on April 4, 1989, initiated proceedings for the formation of Landscape Assessment District No. 2 for the purpose of administering the maintenance of landscaping in the public right-of-way within the street medians and adjacent to the access control walls in Dry Creek Meadows Subdivisions Nos. 7-10, Creekwood Meadows Subdivision, and Yosemite Meadows Subdivisions Units 1 & 2, and

WHEREAS, said assessment district was formed in accordance with the Landscaping and Lighting Act of 1972 (Streets and Highways Code Sections 22500 through 22679), and

WHEREAS, Section 22622 of the Streets and Highways Code requires the legislative body (the City Council) to adopt a resolution which shall generally describe any proposed new improvements or any substantial changes in existing improvements and direct staff to prepare and to file a report accordingly,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that there being no proposed new improvements or any substantial changes in existing improvements in Dry Creek Meadows Subdivisions Nos. 7-10, Creekwood Meadows Subdivision, and Yosemite Meadows Subdivisions Units 1 & 2, the City Engineer, the person designated by this Council as the Engineer of Work for Assessment District No. 2, is hereby directed to prepare and file an annual report in accordance with the provisions
of the Landscaping and Lighting Act of 1972, as amended, (Streets and Highways Code Sections 22500 through 22679). The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of April, 2008, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Lopez, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Hawn, Keating, Lopez, Marsh, O’Bryant, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: STEPHANIE LOPEZ, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By SUSANA ALCALA WOOD, City Attorney
A RESOLUTION REVISING THE POSITION CLASSIFICATION PLAN FOR THE CITY OF MODESTO

WHEREAS, a Position Classification Plan for the City of Modesto was adopted by Modesto City Council Resolution No. 88-338 pursuant to Rule 2 of the Personnel Rules and Regulations of the City of Modesto, and

WHEREAS, the City Manager has recommended to the Council amendments to the Position Classification Plan, and

WHEREAS, Rule 2.2 of the City of Modesto Personnel Rules provides that revisions to the Classification Plan shall be effective upon adoption of resolution of the City Council,

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

SECTION I. CLASSIFICATION AMENDED. The Position Classification Plan of the City of Modesto is hereby amended to revise the job specification for the classification of City Engineer. The job specification for this classification is being amended to reflect the transfer of land development functions from Public Works to Community and Economic Development. Specifically the revision is to update the definition, supervision received and exercised and essential functions to more accurately reflect the current needs of the City. The job specification for the classification of City Engineer, as shown on the attached Exhibit “A,” which is hereby made a part of this resolution by reference, is hereby approved and made part of the Position Classification Plan of the City of Modesto.
SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after April 1, 2008.

The foregoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 1st day of April, 2008, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Lopez, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Hawn, Keating, Lopez, Marsh, O’Bryant, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: STEPHANIE LOPEZ, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By SUSANA ALCALA WOOD, City Attorney
Essential Functions: (Continued)

Manages the review and oversees the inspection of public works improvements constructed by private developers.

Confers with developers and others to resolve issues relating to public improvement requirements for subdivisions.

Directs the preparation and administration of the division’s budget.

Assists with the preparation of operating and capital improvement budgets and control of expenditures.

Directs the selection, supervision and work evaluation for division staff and provides for their training and professional development.

Participates in recommending the appointment of personnel; provides or coordinates staff training; works with employees to correct deficiencies; implements discipline procedures; establishes performance standards and evaluates the performance of subordinate personnel.

Assists in planning, directing, supervising, and coordinating departmental and divisional operations; assigns work activities, projects and programs; monitors work flow; reviews and evaluates work products, methods and procedures.

Coordinates the work of the division with that of other divisions.

Monitors developments related to development engineering, evaluates their impact on City operations and implements policy and procedure improvements.

Ensures adherence to codes, applicable laws, regulations and guidelines relating to engineering activities.

Appears before City Council, Boards, Commissions, Committees, and numerous civic organizations representing the Department.

Coordinates Department activities with those of other departments and outside agencies and organizations; prepares, reviews, and presents staff reports and other necessary correspondence.

Assists in orderly management of land development and growth of the City and its infrastructure requirements.

Maintains regular contact with consulting engineers, consulting project managers, construction project engineers, City, County, State, and Federal agencies, professional and technical groups, and the general public regarding Community and Economic Development Department activities and services.
CITY OF MODESTO
No. 2026
APRIL 2008

CITY ENGINEER

Class specifications are intended to present a descriptive list of the range of duties performed by employees in the class. Specifications are not intended to reflect all duties performed within the job.

DEFINITION

To assist the Community and Economic Development Director, in the planning, organizing, coordinating and direction of the engineering programs; to coordinate the engineering aspects of land development activities; and to provide highly complex technical staff assistance to the City Manager and other department directors.

SUPERVISION RECEIVED AND EXERCISED

Receives administrative direction from the Community and Economic Development Director.

Exercises direct supervision over professional, technical and clerical staff.

Exercises responsible charge of assigned engineering, and related functions.

ESSENTIAL AND MARGINAL FUNCTION STATEMENTS - Essential and other important responsibilities and duties may include, but are not limited to, the following:

Essential Functions:

Performs the responsibilities of the City Engineer.

Approves and signs all tentative and final subdivision maps.

Plans, organizes, coordinates and directs through subordinate supervisors the work of the development services division.

Coordinates and assists subordinate supervisors in evaluating development proposals; responds and comments on impacts and mitigation of project impacts and communicates staff's comments to other agencies, departments, developers, Planning Commission, Boards, and/or City Council as necessary.

Develops and maintains City standard specifications.

Develops and directs the implementation of goals, objectives, policies, procedures and work standards for the division.

Develops and implements management systems, procedures, and standards for program evaluation.
Exercise sound, independent judgment within general policy guidelines.

Plan, organize, direct, and coordinate a variety of functional specialties with overlapping work areas.

Analyze complex technical and administrative problems, evaluate alternatives, and implement creative but sound alternatives.

Prepare and present clear, concise, competent reports, correspondence, and other materials both orally and in writing.

Coordinate the activities of a number of sections within the Department.

Assist with the preparation of divisional operating and capital improvement budgets and control budget expenditures.

Manage performance of a variety of technical and engineering research and prepare reports of findings.

Effectively manage assigned areas of the departmental program.

Establish and maintain cooperative relationships with those contacted during the course of work.

Effectively utilize personal computers, standard office software and specialized engineering and project management software.

Willingness and ability to work extended hours as required.

Experience and Training Guidelines

Any combination of experience and education that would provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Experience

Five years of increasingly responsible professional civil engineering experience, including at least two years in a supervisory or administrative capacity in public works design, project management work, and development services.

Education

Equivalent to a Bachelor's Degree from an accredited college or university with major coursework in civil engineering or a related field.

License or Certificates

Possession of a valid California Professional Engineer Certificate and/or a Certificate of Registration as a Civil Engineer issued by the California State Board of Registration for Professional Engineers is required. If licensed in
**Essential Functions:** (Continued)

Prepares a variety of correspondence general special reports.

Ensures adherence to codes, regulations, and guidelines related to engineering and construction activities.

**Marginal Functions:**

Performs related duties as assigned.

**QUALIFICATIONS**

Knowledge of:

- Principles and practices of civil engineering as applied to the field of municipal public works, including planning, development, design, and construction.
- Theories, principles, techniques and equipment used in construction.
- Federal and State regulations, rules, and requirements.
- Legal guidelines for public works engineering activities.
- Technical, legal, and financial problems involved in the conduct of a municipal public works program.
- Principles and practices of civil engineering, including project management, design, contract administration, and construction management; reports and recommendations relating to proposed public works projects.
- Procedures, materials, equipment, and methods used in all areas of public works activities.
- Principles and practices of budget development, administration, and expenditure control.
- Administrative principles and methods, including goal setting, program development and implementation, and employee supervision.

**Ability to**

- Manage, direct and continually improve the development services program.
- Demonstrate leadership and provide customer service.
- Select, motivate and evaluate staff and provide for their training and professional development.
- Develop, interpret, and implement goals, objectives, policies, procedures, work standards and internal controls.
another state, candidates will have six (6) months to obtain California Registration.

Possession of, or ability to obtain, an appropriate, valid California Drivers License.

WORKING CONDITIONS

Environmental Conditions:

Work is performed mostly in an office setting. Some outdoor work is required in the inspection of various land use developments, construction sites, or public works facilities.

Physical Conditions:

Essential and marginal functions may require maintaining physical condition necessary for standing, walking or sitting for prolonged periods of time; traveling to and from sites and attending meetings. Must be physically capable of moving about on construction work sites and under adverse field conditions.
A RESOLUTION AMENDING EXHIBIT "A" OF RESOLUTION NO. 2007-384 TO REVISE THE CLASS RANGE TABLE FOR UNREPRESENTED MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES

WHEREAS, the City Council desires to amend Exhibit "A" of Resolution No. 2007-384, which approved the Class Range Table for Unrepresented Management and Confidential Non-Sworn Classes,

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

SECTION 1. AMENDMENT TO RESOLUTION NO. 2007-384. Exhibit "A" entitled, "City of Modesto Class Range Table Unrepresented Management and Confidential Non-Sworn Classes Effective June 26, 2007," attached to Resolution No. 2007-384, is hereby amended as shown on the amended Exhibit "A" entitled, "City of Modesto Class Range Table General Non-Sworn Classes Effective April 1, 2008," which is attached hereto and made a part hereof as though set forth in full herein. Said amended Exhibit "A" deletes the City Engineer from salary range 2452.

SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after April 1, 2008.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on 1st day of April, 2008, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Lopez, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Hawn, Keating, Lopez, March, O’Bryant, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: ________________________________

STEPHANIE LOPEZ, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By: ________________________________

SUSANA ALCALA WOOD, City Attorney
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<tr>
<th>RANGE</th>
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<td>Senior Deputy City Attorney I</td>
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<td>2441</td>
<td>Risk Manager</td>
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<td>2442</td>
<td>Senior Deputy City Attorney II</td>
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<tr>
<td>2445</td>
<td>Deputy Chief Information Officer</td>
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<tr>
<td>2446</td>
<td>Deputy Director – Cultural and Enterprise Services</td>
</tr>
<tr>
<td>2447</td>
<td>Deputy Director of Finance</td>
</tr>
<tr>
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<tr>
<td>2449</td>
<td>Deputy Director of Public Works – Engineering</td>
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<td>2450</td>
<td>Deputy Director of Public Works – Operations</td>
</tr>
<tr>
<td>2451</td>
<td>Deputy Director – Recreation and Neighborhoods</td>
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<td>2452</td>
<td>Deputy Director – Cultural and Enterprise Services</td>
</tr>
<tr>
<td>2453</td>
<td>Deputy Director of Finance</td>
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<tr>
<td>2454</td>
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<td>Deputy Director of Public Works – Engineering</td>
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<td>2456</td>
<td>Deputy Director of Public Works – Operations</td>
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<td>RANGE</td>
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<td>2419</td>
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</tr>
<tr>
<td>2420</td>
<td>Executive Secretary – City Manager’s Office</td>
</tr>
<tr>
<td>2421</td>
<td></td>
</tr>
<tr>
<td>2422</td>
<td>Office Supervisor - Personnel</td>
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<td></td>
</tr>
<tr>
<td>2425</td>
<td>Executive Assistant Paralegal</td>
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<td>2427</td>
<td>Legal Services Administrator</td>
</tr>
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<td>2428</td>
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<td>2430</td>
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</tr>
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<td>2431</td>
<td>Equal Opportunity Analyst Equal Opportunity Officer</td>
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<tr>
<td>2434</td>
<td>Senior Auditor</td>
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</tr>
<tr>
<td>2455</td>
<td>Assistant City Attorney</td>
</tr>
</tbody>
</table>
A resolution amending exhibit “A” of resolution No. 2007-447 to revise the class range table for represented management and confidential non-sworn classes

WHEREAS, the City Council desires to amend Exhibit “A” of Resolution No. 2007-447, which approved the Class Range Table for Represented Management and Confidential Non-Sworn Classes,

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

SECTION I. AMENDMENT TO RESOLUTION NO. 2007-447. Exhibit "A" entitled, "City of Modesto Class Range Table Represented Management and Confidential Non-Sworn Classes Effective July 24, 2007", attached to Resolution No. 2007-447, is hereby amended as shown on the amended Exhibit “A” entitled “City of Modesto Class Range Table Represented Management and Confidential Non-Sworn Classes Effective April 1, 2008,” which is attached hereto and made a part hereof as though set forth in full herein. Said amended Exhibit “A” adds the classification of City Engineer at Salary Range 452 to the Class Range Table.

SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after April 1, 2008.
The foregoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 1st Day of April, 2008, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Lopez, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: STEPHANIE LOPEZ, Acting City Clerk
(SEAL)

APPROVED AS TO FORM:

By SUSANA ALCALA WOOD, City Attorney
# CITY OF MODESTO

## CLASS RANGE TABLE

REPRESENTED MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES

Effective April 1, 2008

<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
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</thead>
<tbody>
<tr>
<td>403</td>
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</tr>
<tr>
<td>407</td>
<td>Administrative Clerk II (Confidential)</td>
</tr>
<tr>
<td></td>
<td>Administrative Office Assistant II (Confidential)</td>
</tr>
<tr>
<td>408</td>
<td></td>
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<tr>
<td>409</td>
<td></td>
</tr>
<tr>
<td>410</td>
<td></td>
</tr>
<tr>
<td>411</td>
<td>Administrative Office Assistant III (Confidential)</td>
</tr>
<tr>
<td></td>
<td>Police Clerk II (Confidential)</td>
</tr>
<tr>
<td>412</td>
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<tr>
<td>413</td>
<td>Administrative Technician (Confidential)</td>
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<td>415</td>
<td>Administrative Services Technician I (Confidential)</td>
</tr>
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<td></td>
<td>Senior Administrative Office Assistant (Confidential)</td>
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<tr>
<td></td>
<td>Secretary</td>
</tr>
<tr>
<td>416</td>
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</tr>
<tr>
<td>418</td>
<td>Legal Secretary</td>
</tr>
<tr>
<td></td>
<td>Systems Technician I</td>
</tr>
<tr>
<td>419</td>
<td>Administrative Services Technician II (Confidential)</td>
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<td>Public Information Technician (Confidential)</td>
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<tr>
<td></td>
<td>Workers’ Compensation Claims Assistant</td>
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<td>420</td>
<td>Accountant I (Confidential)</td>
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<tr>
<td></td>
<td>Deputy City Clerk</td>
</tr>
<tr>
<td></td>
<td>Employee Benefits Coordinator</td>
</tr>
<tr>
<td></td>
<td>Executive Secretary (Represented)</td>
</tr>
<tr>
<td></td>
<td>Legal Services Technician</td>
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</tr>
<tr>
<td>421</td>
<td></td>
</tr>
</tbody>
</table>
| 422   | Office Supervisor  
      | Utility Dispatch Supervisor  
      | Workers' Compensation Claims Examiner I  
      | Systems Technician II |
| 423   | Custodian Supervisor  
      | Parking Services Supervisor |
| 424   | Assistant Planner  
      | Buyer  
      | Police Facilities Coordinator |
| 425   | Administrative Analyst I |
| 426   | Police Civilian Supervisor  
      | Stores Manager  
      | Supervising Animal Control Officer  
      | Systems Technician III |
| 427   | Assistant City Clerk/Auditor  
      | Workers' Compensation Claims Examiner II |
| 428   | Accountant II (Represented)  
      | Senior Buyer |
| 429   |       |
| 430   | Associate Planner  
      | Community Services Supervisor  
      | Events Coordinator  
      | Senior Crime Analyst  
      | Software Analyst I |
| 431   | Administrative Analyst II  
      | Assistant Risk Manager  
      | Budget Analyst I  
      | Personnel Analyst  
<pre><code>  | Recycling Program Coordinator |
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<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
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</thead>
<tbody>
<tr>
<td>432</td>
<td>Communications Specialist  &lt;br&gt; Compost Facility Supervisor  &lt;br&gt; Customer Services Supervisor  &lt;br&gt; Junior Civil Engineer  &lt;br&gt; Junior Traffic Engineer  &lt;br&gt; Neighborhood Preservation Supervisor  &lt;br&gt; Operations and Maintenance Supervisor  &lt;br&gt; Parks Project Coordinator  &lt;br&gt; Recreation Supervisor II  &lt;br&gt; Senior Accountant  &lt;br&gt; Water Quality Control Maintenance Supervisor</td>
</tr>
<tr>
<td>433</td>
<td>Organizational Development Specialist</td>
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<tr>
<td>434</td>
<td>Budget Analyst II  &lt;br&gt; Environmental Laboratory Supervisor  &lt;br&gt; Operations Supervisor  &lt;br&gt; Regulatory Compliance Supervisor  &lt;br&gt; SCADA Supervisor  &lt;br&gt; Senior Community Development Program Specialist  &lt;br&gt; Senior Housing Rehabilitation Specialist  &lt;br&gt; Software Analyst II  &lt;br&gt; Supervising Accountant  &lt;br&gt; Systems Engineer I</td>
</tr>
<tr>
<td>435</td>
<td>Business Analyst  &lt;br&gt; Cultural Services Manager  &lt;br&gt; Emergency Medical Services Coordinator  &lt;br&gt; Integrated Waste Specialist  &lt;br&gt; Management Analyst  &lt;br&gt; Rate and Fee Analyst  &lt;br&gt; Senior Personnel Analyst  &lt;br&gt; Weed and Seed Program Coordinator</td>
</tr>
<tr>
<td>436</td>
<td>Assistant Civil Engineer  &lt;br&gt; Assistant Traffic Engineer  &lt;br&gt; Electrical Supervisor  &lt;br&gt; Senior Planner</td>
</tr>
<tr>
<td>437</td>
<td></td>
</tr>
<tr>
<td>RANGE</td>
<td>TITLE</td>
</tr>
<tr>
<td>-------</td>
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</tr>
</tbody>
</table>
| 438   | Budget Officer  
Events Supervisor  
Housing Program Supervisor  
Land Surveyor  
Property Agent  
Public Safety Business Services Analyst  
Senior Business Analyst  
Software Analyst III  
Systems Engineer II |
| 439   | Administrative Services Officer  
Community Facilities Districts Administrative Officer |
| 440   | Transportation Planner  
Water Quality Control Operations Supervisor |
| 441   | Airport Manager  
Building Maintenance Superintendent  
Fleet Manager  
Housing and Urban Development Manager  
Parks Operations Superintendent  
Parks Planning and Development Manager  
Purchasing Manager  
Recreation Program Manager  
Streets Superintendent  
Urban Forestry Superintendent  
Wastewater Collections Superintendent |
| 442   | Customer Services Division Manager  
Manager of Budget and Financial Analysis  
Software Analyst IV  
Supervising Construction Inspector  
Systems Engineer III |
| 443   | Associate Civil Engineer  
Associate Traffic Engineer |
| 444   | Principal Planner  
Solid Waste Program Manager  
Supervising Building Inspector  
Transit Manager |
<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
</tr>
</thead>
<tbody>
<tr>
<td>445</td>
<td>Accounting Division Manager</td>
</tr>
</tbody>
</table>
| 446   | Deputy Chief Building Official  
          Information Technology Unit Manager  
          Wastewater Treatment Plant Manager |
| 447   | Business Development Division Manager  
          Planning Division Manager  
          Water Superintendent |
| 448   | | |
| 449   | | |
| 450   | Chief Building Official  
          Senior Civil Engineer  
          Traffic Engineer |
| 451   | | |
| 452   | City Engineer |
| 453   | | |
| 455   | | |
MODESTO CITY COUNCIL
RESOLUTION NO. 2008-171

A RESOLUTION AUTHORIZING THE AWARD OF PROPOSAL AND CONTRACT FOR THE FURNISHING OF PLAN CHECK SERVICES FOR THE COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT, BUILDING SAFETY DIVISION TO THE FOLLOWING COMPANIES AS "PRIMARY" CONTRACTORS: BUREAU VERITAS NORTH AMERICA, INC., CSG CONSULTANTS, INC., SCOTT FAZEKAS & ASSOCIATES, INC., AND NAFFA INTERNATIONAL, INC. FOR A THREE-YEAR PROFESSIONAL SERVICES AGREEMENT, WITH OPTIONS FOR TWO (2), ONE-YEAR REVIEWALS, NOT TO EXCEED $100,000 EACH YEAR, AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE CONTRACTS

WHEREAS, staffing shortages exist in the plan review area, and the volume of construction plans submitted for plan check and review has grown steadily over the past several years, and

WHEREAS, the target time set for plan review is 10 working days for tenant improvement plans and residential plans and 15 working days for commercial plans, and

WHEREAS, on September 4, 2007, by Resolution No. 2007-514, the City Council authorized the Community and Economic Development Department to formally solicit Request for Proposals (RFP’s) for the furnishing of Plan Check Services for the City of Modesto, for a three (3) year agreement with two (2) one-year extension options, and

WHEREAS, the Community and Economic Development Department solicited Request for Proposal No. RFP-Plan Check for the furnishing of Plan Check Services for the City of Modesto to eighteen (18) prospective proposers, posted the proposal on the City’s web site, and formally advertised as required by law, and

WHEREAS, on October 5, 2007, RFP’s were formally opened in the City Clerk’s office. Of the eighteen (18) prospective proposers solicited, fifteen (15) companies responded, and
WHEREAS, on December 3, 2007, December 10, 2007, December 11, 2007 and January 3, 2008 interviews were held for the top candidates to clarify any questions committee members had regarding their proposal submittals, and

WHEREAS, immediately following the interviews the committee members had an open discussion of the candidates and then came to a consensus for award recommendation,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the Community & Economic Development Department to award proposals and contracts for the furnishing of Plan Check Services to the following companies: Bureau Veritas North America, Inc.; CSG Consultants, Inc.; Scott Fazekas & Associates, Inc.; and Naffa International, Inc.; for a three-year professional services agreement, with options for two (2) one-year renewals, not to exceed $100,000 each year.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that it hereby authorizes the Interim City Manager, or his designee, to execute the contracts.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of April 2008, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Lopez, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST

(SIGNATURE)

SEAL

APPROVED AS TO FORM:

By

SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2008-172

A RESOLUTION ORDERING THE LEVY AND COLLECTION OF ASSESSMENTS FOR FEES, COSTS AND EXPENSES ASSOCIATED WITH THE ABATEMENT OF A SUBSTANDARD CONDITION AS PROVIDED BY THE HOUSING CODE OF THE CITY OF MODESTO

WHEREAS, by Ordinance No. 3291-C.S., the City Council adopted Chapter 9 of Title 9 of the Modesto Municipal Code (“MMC”), together with the specified provisions of the State Housing Law, California Code of Regulations and Uniform Housing Code to create the Housing Code for the City of Modesto, and

WHEREAS, on March 6, 2007, the City Council adopted Resolution No. 2007-163 approving Housing Code fees of $950.00 for a Notice and Order, $1,000.00 for an Appeal, and $125.00 for Closing Costs, which fees became effective May 5, 2007 (60 days after adoption), and

WHEREAS, the affected property owners had the opportunity to pay or appeal the fees, costs and expenses as provided in MMC Articles 13 and 16 of Chapter 9 of Title 9, and

WHEREAS, the fees, costs and expenses associated with the abatement of a public nuisance, if left unpaid following the completion of all abatement work, may constitute a special assessment against a parcel of land owned by the responsible party, per MMC Section 9-9.1605, and

WHEREAS, the charges against the real property are for actual work performed and are for the purpose of recovering costs associated with the Notice and Order, Board Up, Demolition, Clean Up, Confirmations of Cost Hearing, Appeal, Interest, Closing
Costs and/or related conditions or violations which create a public nuisance pursuant to the MMC, and

WHEREAS, the City Council has determined and certified that the charges are either exempt from or in compliance with all the provisions of Proposition 218 which was passed by the voters in November 1996, and

WHEREAS, the City Council has further determined the charges are in compliance with all laws pertaining to the levy of such charges,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby orders the levy and collection of assessments for fees, costs and expenses associated with the abatement of a substandard condition, as provided by the Housing Code of the City of Modesto.

BE IT FURTHER RESOLVED that the Council hereby authorizes that a certified copy of this resolution, together with attached documentation, shall be delivered to the Auditor-Controller of the County of Stanislaus for placement of such assessments on the 2007-08 County tax roll and in each subsequent fiscal year in which charges may validly be levied.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of April, 2008, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Lopez, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Hawn, Keating, Lopez, Marsh, O’Bryant, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

(SEAL)

APPROVED AS TO FORM:

By

SUSANA WOOD, City Attorney

ATTEST: __________________________

STEPHANIE LOPEZ, Acting City Clerk
### Beat Health/Smart Assessments for April 1, 2008

<table>
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<tr>
<th>TAX CODE</th>
<th>APN</th>
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<th>PROPERTY OWNER</th>
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<tbody>
<tr>
<td>1</td>
<td>50050 101-006-070-000</td>
<td>$2,311.83</td>
<td>Victor Pamiroyan, Alliance Bankcorp, New Century Mortgage</td>
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<tr>
<td>2</td>
<td>50050 035-042-005-101</td>
<td>$1,080.98</td>
<td>Betty D. Sandvig Life Estate, Brian Davis</td>
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<tr>
<td>3</td>
<td>50050 106-018-006</td>
<td>$6,542.08</td>
<td>Verlon Starkey</td>
</tr>
<tr>
<td>4</td>
<td>50050 035-042-077-000</td>
<td>$694.01</td>
<td>Michael D. Villegas, AMERICA’S WHOLESALE LENDER</td>
</tr>
<tr>
<td>5</td>
<td>50050 107-008-023-000</td>
<td>$1,001.86</td>
<td>Washington Mutual Bank</td>
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<tr>
<td>6</td>
<td>50050 112-015-047-000</td>
<td>$1,577.52</td>
<td>Ravinda Prasad, Home Eq Servicing Corporation, Wells Fargo Bank</td>
</tr>
<tr>
<td>7</td>
<td>50050 067-055-052-000</td>
<td>$1,538.67</td>
<td>James Edward Dickerson Trust (Robin Thielker)</td>
</tr>
<tr>
<td>8</td>
<td>50050 035-042-074</td>
<td>$8,793.16</td>
<td>Laroy Fitch, Long Beach Mortgage</td>
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<td>9</td>
<td>50050 031-042-033-000</td>
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<td>Patrick A. Tittle, Aegis Wholesale Corp.</td>
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<td>10</td>
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<td>Kerry L. Machado Trust</td>
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<tr>
<td>11</td>
<td>50050 065-027-015-000</td>
<td>$10,985.20</td>
<td>Joshua Eric Bradshaw, New Century Mortgage Corp.</td>
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</tbody>
</table>
MODESTO CITY COUNCIL
RESOLUTION NO. 2008-173

A RESOLUTION ORDERING THE LEVY AND COLLECTION OF ASSESSMENTS FOR FEES, COSTS AND EXPENSES ASSOCIATED WITH THE ABATEMENT OF A PUBLIC NUISANCE AS PROVIDED BY THE DANGEROUS BUILDING CODE OF THE CITY OF MODESTO

WHEREAS, by Ordinance No. 3147-C.S., the City Council adopted Chapter 8 of Title 9 of the Modesto Municipal Code ("MMC") as amended, deleted and added to the 1997 Edition of the Uniform Code for the Abatement of Dangerous Buildings thereby referenced as the Dangerous Buildings Code of the City of Modesto, and

WHEREAS, on March 6, 2007, the City Council, by Resolution No. 2007-163, approved Dangerous Building Code fees of $950.00 for a Notice and Order, $1,000.00 for an Appeal, and $125.00 for Closing Costs. These fees became effective May 5, 2007 (60 days after adoption), and

WHEREAS, the affected property owners were thereby required to pay or appeal the fees, costs and expenses associated with the abatement of a public nuisance as provided in Section 501 of Chapter 5 and Chapter 9 of the Dangerous Buildings Code of the City of Modesto, and

WHEREAS these fees, costs and expenses, if left unpaid following the completion of all abatement work, may constitute a special assessment against a parcel of land owned by the responsible party, pursuant to MMC 9-8.15, Section 801.2 and 1-6.702(b), and

WHEREAS, the charges against the affected real property are for actual work performed and are for the purpose of recovering costs associated with the Notice and Order, Board Up, Demolition, Clean Up, Confirmation of Costs Hearing, Appeal,
Interest, Closing Costs and/or related conditions or violations which cause a Dangerous Building or create a Public Nuisance pursuant to the Modesto Municipal Code, and

WHEREAS, the City Council has determined and certified that the charges are either exempt from or in compliance with all the provisions of Proposition 218 which was passed by the voters in November 1996, and

WHEREAS, the City Council has further determined the charges are in compliance with all laws pertaining to the levy of such charges,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby orders the levy and collection of assessments for fees, costs and expenses associated with the abatement of a public nuisance, as provided by the Dangerous Building Code of the City of Modesto.

BE IT FURTHER RESOLVED that the Council hereby authorizes that a certified copy of this resolution, together with attached documentation, shall be delivered to the Auditor-Controller of the County of Stanislaus for placement of such assessments on the 2007-08 County tax roll and in each subsequent fiscal year in which charges may validly be levied.
The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 1st day of April, 2008, by Councilmember Hawn, who
moved its adoption, which motion being duly seconded by Councilmember Lopez, was
upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Hawn, Keating, Lopez, Marsh, O’Bryant, Olsen,
Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

(Seal)

APPROVED AS TO FORM:

By

SUSANA WOOD, City Attorney

ATTEST: STEPHANIE LOPEZ, Acting City Clerk

4/1/08/C&EDD/WCrew/item 11 3 2008-173
### BEAT HEALTH/SMART ASSESSMENTS FOR APRIL 1, 2008

<table>
<thead>
<tr>
<th>TAX CODE</th>
<th>APN</th>
<th>ASSESSMENT</th>
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<td>Joshua Eric Bradshaw, New Century Mortgage Corp.</td>
</tr>
</tbody>
</table>
MODESTO CITY COUNCIL
RESOLUTION NO. 2008-174

A RESOLUTION ORDERING THE LEVY AND COLLECTION OF ASSESSMENTS FOR FEES, COSTS AND EXPENSES ASSOCIATED WITH THE ABATEMENT OR SUMMARY ABATEMENT OF A PUBLIC NUISANCE AS PROVIDED BY CHAPTER 6 OF TITLE 1 OF THE MODESTO MUNICIPAL CODE

WHEREAS, by Ordinance No. 3102-C.S., the City Council adopted Chapter 6 of Title 1 of the Modesto Municipal Code ("MMC"), and

WHEREAS, the affected property owners had the opportunity to pay or appeal the fees, costs and expenses associated with the abatement of a public nuisance as provided in MMC Sections 1-6.502, 1-6.603, 1-6.604, 1-6.701 and 1-6.702, and

WHEREAS these fees, costs and expenses, if left unpaid following the completion of all abatement work, may constitute a special assessment against a parcel of land owned by the responsible party, per MMC Section 1-6.702(b), and

WHEREAS, the charges against the affected real property are for actual work performed and are for the purpose of recovering costs, fees and expenses associated with the Notice and Order, Board Up, Demolition, Clean Up, Confirmations of Cost Hearing, Appeal Hearing, Interest, Closing Costs and/or related to the abatement of a Public Nuisance as required by Chapter 6 of Title 1 of the MMC, and

WHEREAS, the City Council has determined and certified that the charges are either exempt from or in compliance with all the provisions of Proposition 218 which was passed by the voters in November 1996, and

WHEREAS, the City Council has further determined the charges are in compliance with all laws pertaining to the levy of such charges,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby orders the levy and collection of assessments for fees, costs and expenses
associated with the abatement or summary abatement of a public nuisance, as provided in
Chapter 6 of Title 1 of the Modesto Municipal Code.

BE IT FURTHER RESOLVED that the Council hereby authorizes that a certified
copy of this resolution, together with attached documentation, shall be delivered to the
Auditor-Controller of the County of Stanislaus for placement of such assessments on the
2007-08 County tax roll and in each subsequent fiscal year in which charges may validly
be levied.

The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 1st day of April, 2008, by Councilmember Hawn, who
moved its adoption, which motion being duly seconded by Councilmember Lopez, was
upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Hawn, Keating, Lopez, Marsh, O’Bryant, Olsen,
       Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

(Seal)

APPROVED AS TO FORM:

By SUSANA WOOD, City Attorney

USE PROOF: 2008-174
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<td>$10,985.20</td>
<td>Joshua Eric Bradshaw, New Century Mortgage Corp.</td>
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MODESTO CITY COUNCIL
RESOLUTION NO. 2008-175

A RESOLUTION AMENDING THE FISCAL YEAR 2007-2008 ANNUAL BUDGET

WHEREAS, a monthly financial analysis has been completed and it has been determined that certain adjustments are required to the Annual Budget of the City of Modesto for the Fiscal Year 2007-2008,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that appropriations, revenues, and transfers for the 2007-2008 budget have been adjusted as shown on the Budget Request form(s).

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 1st day of April, 2008, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Lopez, was upon roll call carried and the resolution adopted by the following votes:

AYES:    Councilmembers:    Hawn, Keating, Lopez, Marsh, O’Bryant, Olsen, Mayor Ridenour

NOES:    Councilmembers:    None

ABSENT:  Councilmembers:    None

ATTEST:   

STEPHANIE LOPEZ, Acting City Clerk

(seal)

APPROVED AS TO FORM:

By:               

SUSANA ALCALA WOOD, City Attorney
A RESOLUTION APPROVING A SIXTY (60) DAY EXTENSION TO A SIX MONTH PROVISIONAL APPOINTMENT FOR NICHOLAS REGGIANI AS SOFTWARE ANALYST I (WEB SUPPORT)

WHEREAS, the Information Technology Department has a vacant Software Analyst I (Web Support) position, and

WHEREAS, Nicholas Reggiani was provisionally appointed as Software Analyst I (Web Support) on September 18, 2007, and

WHEREAS, the Information Technology Department desires to extend the provisional appointment of Nicholas Reggiani for sixty (60) days until a successful candidate can be hired in the capacity of Software Analyst I (Web Support), and

WHEREAS, Modesto Personnel Rule 7.5 (c) requires Council approval if a provisional appointment is to exceed the six-month period authorized by said rule, and

WHEREAS, staff is requesting that the City Council approve a sixty (60) day extension to this provisional appointment,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a sixty (60) day extension to the six-month provisional appointment for Nicholas Reggiani to the position of Software Analyst I (Web Support) is hereby approved.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of April, 2008, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Lopez, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Hawn, Keating, Lopez, Marsh, O’Bryant, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: ____________________________

STEPHANIE LOPEZ, Acting City Clerk

APPROVED AS TO FORM:

By: ____________________________

SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2008-177

A RESOLUTION APPROVING AN ADDITIONAL SIXTY (60) DAY EXTENSION TO A SIX MONTH PROVISIONAL APPOINTMENT FOR JEANETTE MAURER AS ADMINISTRATIVE ANALYST/TECHNOLOGY SOLUTIONS ANALYST

WHEREAS, the Information Technology Department has a vacant Administrative Analyst/Technology Solutions Analyst position, and

WHEREAS, Jeanette Maurer was provisionally appointed as Administrative Analyst/Technology Solutions Analyst on July 24, 2007, and

WHEREAS, unforeseen delays in the adoption of the Bryce wall-to-wall study have caused a delay in filling the vacant Technology Solutions Analyst position, and

WHEREAS, the City Council on January 8, 2008, by Resolution No 2008-028, approved a sixty (60) day extension to the six-month provisional appointment for Jeanette Maurer as Administrative Analyst/Technology Solutions Analyst, and

WHEREAS, the Information Technology Department desires an additional extension to the provisional appointment of Jeanette Maurer for another sixty (60) days until a successful candidate can be hired in the capacity of Administrative Analyst/Technology Solutions Analyst, and

WHEREAS, Modesto Personnel Rule 7.5 (c) requires Council approval if a provisional appointment is to exceed the six-month period authorized by said rule, and

WHEREAS, staff is requesting that the City Council approve an additional sixty (60) day extension to this provisional appointment,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an additional sixty (60) day extension to the six-month
provisional appointment of Jeanette Maurer to the position of Administrative Analyst/Technology Solutions Analyst.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of April, 2008, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Lopez, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Hawn, Keating, Lopez, Marsh, O’Bryant, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2008-178

A RESOLUTION APPROVING ADJUSTMENTS TO THE MAXIMUM RATE SCHEDULE FOR CITY RESIDENTIAL, COMMERCIAL, AND INDUSTRIAL WASTE COLLECTION SERVICES, AND RESCINDING RESOLUTION NO. 2007-729

WHEREAS, with the adoption of Ordinance No. 3068-C.S. in November of 1997, the City no longer sets rates for the collection of garbage in Modesto, and instead performs a comprehensive review of cost information submitted by the contract garbage haulers, and

WHEREAS, the City sets a maximum rate that the haulers may charge for the various types of services provided under the contracts based on cost data provided by the lowest cost hauler, and

WHEREAS, Section f(2) of the City’s Service Agreements with its solid waste collectors requires that when the City makes adjustments to the collection services provided under the Agreements, any additional costs should be covered by adjustments to the maximum rates, and

WHEREAS, in addition, maximum rates for solid waste collection services are reviewed annually as requested by the City’s garbage collection companies, and

WHEREAS, the City conducted an analysis using the audited financial statements provided by the garbage haulers, supplemental data provided by the garbage haulers, and fuel price information and forecast prices developed by the United States Department of Energy, and

WHEREAS, new maximum rates were calculated, and a recommendation for a new maximum rate schedule was developed, which included a recommendation that quarterly adjustments to the fuel component of the maximum rates be made, and

WHEREAS, the Solid Waste Advisory Committee met on July 26, 2007, and supported the recommendation to approve adjustments to the maximum rate schedule for City residential, commercial and industrial solid waste collection services, including the recommendation for quarterly fuel adjustments to the maximum rates, and
WHEREAS a report dated March 17, 2008, from the Parks, Recreation and Neighborhoods Department, a copy of which is on file in the office of the City Clerk, sets forth said recommendations, and

WHEREAS, it was found and determined by the Council of the City of Modesto that the existing schedules of rates and charges for garbage service in the City of Modesto should be revised as recommended, and that quarterly adjustments to the fuel component of the maximum rates should be made, and

WHEREAS, staff has adjusted the fuel component of the maximum rates and has incorporated the fuel component adjustment into the schedule of Maximum Charges for Garbage Service attached hereto, marked Exhibit "1" and incorporated herein by reference.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Maximum Charges for Garbage Service as attached hereto, marked Exhibit "1" and incorporated herein by reference. Said Maximum Charges for Garbage Service includes twice-a-year bulky item pickup for residential customers and all other residential services as stipulated in the Service Agreements and shall become effective retroactive to April 1, 2008, and shall remain in effect until revised by Council.

BE IT FURTHER RESOLVED that any person who has prepaid garbage service charges for residential garbage service shall be entitled to receive garbage service for the balance of said prepaid period at the prepaid rates.

BE IT FURTHER RESOLVED that Resolution No. 2007-729 is hereby rescinded, effective April 1, 2008.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of April, 2008, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Lopez, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Hawn, Keating, Lopez, Marsh, O’Bryant, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

(Seal)

APPROVED AS TO FORM:

By [Signature]

SUSANA ALCALA WOOD, City Attorney
MAXIMUM CHARGES FOR GARBAGE SERVICE

STANDARD CONTAINERS
Maximum Monthly Rates
(Once a Week Pickup Service)

Standard container service shall include the following:

- One, 96-gallon container for garbage/recyclables
- One, 96-gallon container for green waste
- Blue bag recycling
- Countertop container for kitchen scraps
- Drop-off of old TV and computer tubes
- Two bulky item collections per year by appointment

Standard container service customers may opt for smaller containers; however, maximum rates apply. Containers must be placed in a location set forth in Section 5-5.11 of the Municipal Code.

1. **Standard container service** –
   a. The maximum rate for new sign ups for service or changes in service that occur after July 1, 1996, shall be **$20.46 per month** regardless of size of container. **A fuel component of $1.10 per month is included in the maximum rate for the quarter beginning April 1, 2008 and ending June 30, 2008.** The fuel component may be adjusted quarterly.
   b. The maximum rate for each additional garbage container shall be **$14.76 per month.**

2. **60-gallon container service (grandfathered customers)** –
   a. The maximum rate for customers with 60-gallon containers who subscribed to service at an address prior to July 1, 1996 and who have not changed their service address shall be **$17.39 per month**. **A fuel component of $1.10 per month is included in the maximum rate for the quarter beginning April 1, 2008 and ending June 30, 2008.** The fuel component may be adjusted quarterly.
   b. The maximum rate for each additional garbage container shall be **$14.76 per month.**

3. **Fuel Component adjustments** - The fuel component shall be analyzed quarterly and adjustments shall be made as necessary. The adjustment shall be based on the average price of fuel for a preceding quarter as follows: July 1/January-March; October 1/April-June; January 1/July-September; April 1/October-December. Average prices shall be determined based on published prices for California from the Department of Energy, Energy Information Agency.
**DETACHABLE CONTAINERS**

*Maximum Monthly Rates*

**Number of Collections Per Week**

<table>
<thead>
<tr>
<th>Container Size</th>
<th>NUMBER OF COLLECTIONS PER WEEK</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1</td>
</tr>
<tr>
<td>1 CY</td>
<td>$35.76</td>
</tr>
<tr>
<td>2 CY</td>
<td>$61.03</td>
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<tr>
<td>3 CY</td>
<td>$86.27</td>
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<td>4 CY</td>
<td>$111.53</td>
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<tr>
<td>5 CY</td>
<td>$136.79</td>
</tr>
<tr>
<td>6 CY</td>
<td>$162.05</td>
</tr>
</tbody>
</table>

* A detachable container rental rate of $10.00 per month is included in the above schedule.

1. **Weekly rental/Detachable Containers** - Shall not exceed the rate for 1 pickup per week for each size container.

2. **Fuel Component** - A fuel component of $0.22 per cubic yard ($0.95) per month for a 1 cubic yard container collected once a week) is included in the maximum rate for the quarter beginning April 1, 2008 and ending June 30, 2008. The fuel component shall be analyzed quarterly and adjustments shall be made as necessary. The adjustment shall be based on the average price of fuel for a preceding quarter as follows: July 1/January-March; October/April-June; January 1/July-September; April 1/October-December. Average prices shall be determined based on published prices for California from the Department of Energy.

**DROP BOX CONTAINERS**

1. **Pick up charge** - $210.95 per pick up
2. **Rental**
   - $0.85 per day up to 7 day maximum rental
   - $3.00 per day for boxes kept 7 or more days without servicing
   - $10.00 per day for boxes kept 21 or more days without servicing
3. **Disposal charge** - Actual charge to be paid by customer. Garbage company will provide up to 40 CY Drop Box containers for above stated charges subject only to load limit of transfer vehicle.
COMPACTORS
Maximum Monthly Rates

Front Loader Type:

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<th>Compactor Size</th>
<th>NUMBER OF COLLECTIONS PER WEEK</th>
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</tr>
<tr>
<td>3 CY</td>
<td>$152.12</td>
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<td>4 CY</td>
<td>$201.72</td>
</tr>
<tr>
<td>6 CY</td>
<td>$304.24</td>
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</tbody>
</table>

Roll-Off Type:
1. 6 CY to 40 CY $210.95 per pickup
2. Medical waste compactors $265.00 per pickup
3. Washing compactor $30.00
4. Disposal Charge: Actual charge to be paid by customer

EXTRA PICKUPS
1. Standard containers or equivalent $3.50 plus $1.38/container
2. Detachable containers $12.00 plus $2.75/cubic yard

SPECIAL SERVICE CONDITIONS
In situations where none of the above maximum rates reasonably apply, the cost of service is to be negotiated between the garbage company and the customer.

DETACHABLE CONTAINER ONLY
REPLACEMENT AND CLEANING SERVICE

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<tr>
<th>Size</th>
<th>1 CY</th>
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<th>2 CY</th>
<th>3 CY</th>
<th>4 CY</th>
<th>5 CY</th>
<th>6 CY</th>
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<tbody>
<tr>
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<td>$12.10</td>
<td>$15.40</td>
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NOTATIONS
1. The above maximum rates include a $0.25 per month per household recycling fee, a $0.05 per cubic yard commercial recycling fee, and a $0.25 per ton industrial recycling fee, payable to the City by the garbage company.
2. Pursuant to Section 11-6.16(c)(2) of the Modesto Municipal Code, the garbage company may require a deposit equivalent to two (2) months service charge from customers prior to beginning service.
MODesto City Council
Resolution No. 2008-179

A Resolution Approving an Agreement with Sidley Austin LLP for Outside Legal Counsel Services Related to the Waste-to-Energy Project at a Not-to-Exceed Cost of $100,000 Per Year in Any Single Calendar Year with a Combined Not-to-Exceed Cost of This Multi-Year Agreement of $500,000, and Authorizing the Interim City Manager, or His Designee, to Execute the Agreement

Whereas, the County of Stanislaus and the City of Modesto have a Service Agreement with Covanta Stanislaus Inc. for the operation of the Waste-to-Energy Facility, and

Whereas, this Agreement requires Covanta to operate the facility in conformance with State and Federal regulations, and

Whereas, the Agreement stipulates that the cost of operating and maintaining the facility be part of the Service Fee paid to Covanta, and

Whereas, the Service Agreement between Covanta Stanislaus, Inc., the City of Modesto, and the County of Stanislaus will expire on December 31, 2009, and

Whereas, the decisions regarding the future of the facility are highly complex and subject to fluctuations in market pricing for power as well as regulatory changes, and

Whereas, because of these factors, the Waste-to-Energy Financing Agency and Executive Committee directed staff to put together a group of experts to assist in the end-of-contract decision making process, and

Whereas, to protect the interests of the City of Modesto and County communities, it will be important to have assistance from an outside legal firm familiar with the waste-to-energy industry to assist in the negotiation of an extension of the
Agreement or a new agreement, and to provide expert legal advice on other issues related
to the facility, and

WHEREAS, at its December 13, 2007, meeting the Solid Waste-to-Energy
Executive Committee concurred with staff’s recommendation, and

WHEREAS, because of the complexity of the various contractual agreements
related to the facility and its operations it would be a waste of JPA resources to use any
other firm than Sidley Austin LLP due to the time and expense that would be incurred
educating another firm in the project and Agreement details, and

WHEREAS, the Executive Committee therefore directed staff to proceed with the
development of a new Agreement with Sidley Austin LLP, and to take the new
Agreement to the Council and Board of Supervisors to authorize its execution, and

WHEREAS, County Purchasing has prepared a new Agreement, which has been
reviewed and approved by County Counsel and the City Attorney’s office, and

WHEREAS, the Agreement is for a term of five (5) years at a not-to-exceed cost
of $100,000 per year in any single calendar year with a combined not-to-exceed cost of
this multi-year Agreement of $500,000, and

WHEREAS, funds are budgeted annually in the Waste-to-Energy project budget
for outside legal services, and there is no impact on the City General Fund of any services
related to the Waste-to-Energy project, and

WHEREAS, in order to proceed the City Council and County Board of
Supervisors must authorize the execution of this Agreement,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that the Council hereby approves an Agreement with Sidley Austin LLP for outside legal
counsel services related to the Waste-to-Energy Project at a not-to-exceed cost of $100,000 per year in any single calendar year with a combined not-to-exceed cost of this multi-year Agreement of $500,000.

BE IT FURTHER RESOLVED that the Interim 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 1st day of April, 2008, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Lopez, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Hawn, Keating, Lopez, Marsh, O’Bryant, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: ____________________________

STEFANIE LOPEZ, Acting City Clerk

APPROVED AS TO FORM:

By: ________________________________

SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2008-180


WHEREAS, the County of Stanislaus and the City of Modesto have a Service Agreement with Covanta Stanislaus, Inc. for the operation of the Waste-to-Energy Facility, and

WHEREAS, the Joint Powers Agreement for the Stanislaus Waste-to-Energy Financing Agency requires that the financial records of the Agency be audited on a bi-annual basis, and

WHEREAS, the Financing Agency authorized staff to contract with Maze & Associates CPA’s to conduct the financial audits of the Financing Agency and the Resource Recovery Account, and

WHEREAS, Maze & Associates completed the audit and issued the Independent Auditor’s Opinion Reports dated December 13, 2007, a copy of which is attached hereto and incorporated herein by reference, and

WHEREAS, the audit was conducted in accordance with generally accepted auditing standards, which require the auditor to conduct the audit for the purpose of forming an opinion on the basic financial statements taken as a whole, and

WHEREAS, the opinion expressed by Maze & Associates on the audit reports for this two-year fiscal period ending June 30, 2007, is that the basic financial statements of the Financing Agency and the Resource Recovery Account present fairly in all material
respects their financial position and cash flows in conformity with generally accepted
accounting standards,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that it hereby accepts the Maze & Associates audit reports of the Financing Agency and
the Resource Recovery Account for the two-year audit period beginning July 1, 2005 and

The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 1st day of April, 2008, by Councilmember Hawn, who
moved its adoption, which motion being duly seconded by Councilmember Lopez, was
upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Hawn, Keating, Lopez, Marsh, O’Bryant, Olsen,
        Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

(Seal)

APPROVED AS TO FORM:

By [Signature]

SUSANA ALCALA WOOD, City Attorney
STANISLAUS WASTE-TO-ENERGY FINANCING
AGENCY AND
STANISLAUS RESOURCE RECOVERY
ACCOUNT WASTE-TO-ENERGY
PRO FORMA AND
BASIC FINANCIAL STATEMENTS
FOR THE FISCAL YEARS
ENDED JUNE 30, 2007 AND 2006
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STANISLAUS WASTE-TO-ENERGY FINANCING
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ACCOUNT WASTE-TO-ENERGY
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The Stanislaus Waste-to-Energy Financing Agency was established pursuant to an Extended Joint Exercise of Power Agreement between the County of Stanislaus and the City of Modesto (the “Contracting Communities”), for the sole purpose of providing financing and refinancing of the Waste-to-Energy Facility (the “Facility”) pictured above. The Stanislaus Waste-to-Energy Financing Agency is a public entity separate from the Contracting Communities. The Facility is a solid waste disposal, resource recovery and electric generating facility, developed by Covanta Stanislaus, Inc., an investor-owned corporation, which leases the Facility and operates it under a non-cancelable long-term lease and a service agreement (the “Service Agreement”) with the Contracting Communities. Pursuant to the Service Agreement, the Contracting Communities established the Stanislaus Resource Recovery Account, into which they deposit disposal fees charged at the Facility. On behalf of the Contracting Communities, the County Auditor-Controller maintains the Stanislaus Resource Recovery Account in a separate Fund of the County of Stanislaus.

This discussion and analysis should be read in conjunction with the basic financial statements contained in the independent auditor's reports for the Stanislaus Waste-to-Energy Financing Agency and Stanislaus Resource Recovery Account and the unaudited pro forma financial statements. Separate audit reports, financial statements, and notes for the financial statements are provided. The unaudited pro forma Statements of Net Assets, and Statement of Revenues, Expenses and Changes in Net Assets, which combine the Stanislaus Waste-to-Energy Financing Agency and Stanislaus Resource Recovery Account on a pro forma basis only, are included to facilitate the management discussion and analysis of the portion of financial activities, which are the responsibility of the Contracting Communities.
The Project has three main revenue sources; disposal fees, electricity sales and interest earnings from investments. Any change in disposal fees or the Power Purchase Agreement between Covanta Stanislaus, Inc. (owner and operator facility) and PG & E must be approved by the Modesto City Council and the Stanislaus County Board of Supervisors. Staff and their financial consultants regularly conduct a detailed review of Project revenues and expenses to determine whether any changes in disposal fees are needed to ensure that debt service and Project expenses are fully funded.

FINANCIAL HIGHLIGHTS

Management believes the Project’s financial position is stable. The following are key financial highlights:

- The assets exceeded liabilities at the close of the 2006-2007 fiscal year by $42.3 million (net assets). Of this amount, $11.9 million is restricted for debt service and $30.4 million is unrestricted.

- Revenues from sale of electricity to PG&E increased 25%, from $9.4 million in fiscal year ended June 30, 2006 to $11.8 million in fiscal year ended June 30, 2007, as a result of higher electricity price.

- Revenues from disposal fees increased 6%, from $6.0 million in fiscal year ended June 30, 2006 to $6.4 million in fiscal year ended June 30, 2007, as a result of higher total processed waste tonnage.


OVERVIEW OF THE FINANCIAL STATEMENTS

The Stanislaus Waste-to-Energy Financing Agency and Stanislaus Resource Recovery Account utilize fund based financial statements to maintain control over resources that have been segregated for their specific purpose and objectives. Their financial statements include: 1) Statement of Net Assets, 2) Statement of Revenues, Expenses and Changes in Net Assets, 3) Statement of Cash Flows, and 4) Notes to the Financial Statements.

The statements of net assets include all of their respective assets and liabilities and provide information about the nature and amounts of investments in resources (assets) and obligations to creditors (liabilities). These statements also provide the basis for computing the rate of return, evaluating the capital structure, and assessing liquidity.

All revenues and expenses for the two years ended June 30, 2007 are accounted for in the statements of revenues, expenses, and changes in net assets. This statement measures the success of operations over that period and determines whether costs, through charges at established rates and other revenues, have been successfully recovered.

The final sets of required statements are the statements of cash flows. This statement reports cash receipts and payments, net changes in cash resulting from operations, investing, and financing activities, and the changes in cash during the reporting periods.
The notes to the financial statements provide required disclosures and other information that is essential to a full understanding of material data provided in the statements. The Notes present information about accounting policies, significant account balances and activities, material risks, obligations, commitments, contingencies, and subsequent events and prior period adjustments, if any.

The unaudited pro forma financial statements are presented solely to facilitate analysis and do not include notes or other information that might be required for a full understanding of the data presented. The unaudited pro forma financial statements include the amounts presented in the Stanislaus Waste-to-Energy Financing Agency and Stanislaus Resource Recovery Account's separate financial statements on a combined basis but do not include any financial information, results of operations or cash flows for Covanta Stanislaus, Inc.

FINANCIAL ANALYSIS

The following comparative condensed pro forma Project financial statements and other selected pro forma information provides key financial data and indicators for management, monitoring and planning.

### STANISLAUS WASTE-TO-ENERGY FINANCING AGENCY AND STANISLAUS RESOURCE RECOVERY ACCOUNT

#### PROFORMA NET ASSETS

For the Years Ended June 30, 2007 and June 30, 2005

<table>
<thead>
<tr>
<th></th>
<th>2007</th>
<th>2005</th>
<th>$ Change</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Assets</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cash and investments</td>
<td>$29,050,704</td>
<td>$37,429,331</td>
<td>$(8,378,627)</td>
</tr>
<tr>
<td>Cash with fiscal agent</td>
<td>11,865,973</td>
<td>11,599,589</td>
<td>266,384</td>
</tr>
<tr>
<td>Accounts receivable</td>
<td>1,154,708</td>
<td>880,372</td>
<td>274,336</td>
</tr>
<tr>
<td>Interest receivable</td>
<td>191,912</td>
<td>135,271</td>
<td>56,641</td>
</tr>
<tr>
<td>Other receivable</td>
<td>64,377</td>
<td>19,169</td>
<td>45,208</td>
</tr>
<tr>
<td>Lease receivable from Covanta</td>
<td>28,190,000</td>
<td>40,845,000</td>
<td>(12,655,000)</td>
</tr>
<tr>
<td>Issuance Costs</td>
<td>318,339</td>
<td>573,013</td>
<td>(254,674)</td>
</tr>
<tr>
<td><strong>Total Assets</strong></td>
<td>70,836,013</td>
<td>91,481,745</td>
<td>(20,645,732)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>2007</th>
<th>2005</th>
<th>$ Change</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Liabilities</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Current liabilities:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Accounts payable</td>
<td>220,337</td>
<td>324</td>
<td>220,013</td>
</tr>
<tr>
<td>Interest payable</td>
<td>109,896</td>
<td>91,643</td>
<td>18,253</td>
</tr>
<tr>
<td>Certificates of participation</td>
<td>6,935,000</td>
<td>6,150,000</td>
<td>785,000</td>
</tr>
<tr>
<td><strong>Current liabilities</strong></td>
<td>7,265,233</td>
<td>6,241,967</td>
<td>1,023,266</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>2007</th>
<th>2005</th>
<th>$ Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>Noncurrent liabilities:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Certificates of participation</td>
<td>21,240,179</td>
<td>34,668,325</td>
<td>(13,428,146)</td>
</tr>
<tr>
<td><strong>Total liabilities</strong></td>
<td>28,505,412</td>
<td>40,910,292</td>
<td>(12,404,880)</td>
</tr>
</tbody>
</table>

3
STANISLAUS WASTE-TO-ENERGY FINANCING AGENCY 
AND 
STANISLAUS RESOURCE RECOVERY ACCOUNT 
Management Discussion and Analysis For the Two Fiscal Years Ended June 30, 2007  

Net assets  

<table>
<thead>
<tr>
<th></th>
<th>Restricted for debt service</th>
<th>Unrestricted</th>
<th>Total net assets</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>11,865,973</td>
<td>30,464,628</td>
<td>$42,330,601</td>
</tr>
<tr>
<td></td>
<td>11,599,589</td>
<td>38,971,864</td>
<td>$50,571,453</td>
</tr>
<tr>
<td></td>
<td>266,364</td>
<td>(8,507,236)</td>
<td>(8,240,852)</td>
</tr>
</tbody>
</table>

The Project’s main assets consist of cash and investments, cash with fiscal agent, and lease receivable from Covanta Stanislaus, Inc. The Project’s total expenses, including debt service, are paid from electrical revenues, disposal fees, and interest earnings. As shown above, the Project’s pro forma net assets decreased by $8.2 million from the prior audit period ending June 30, 2005. The decrease represents the difference (deficit) between total revenues and total expenses of the Project for this two-year audit period, ending June 30, 2007. The deficit is in line with management’s strategy of utilizing the balance of net assets, which was built-up as a result of higher disposal fees charged at the facility from 1995 through 2003, to fund that portion of total expense, which is not offset by total revenues. The Project has adequate cash to fulfill all current and long-term liabilities. Management also has the option to fund any deficit by increasing the disposal fees at the facility. Additional information regarding cash, investments, and the lease receivable is contained in the Notes to the Financial Statements of this report.

Funding Sources - Fiscal Year Ending June 30, 2007

- Balance of Net Assets: 11%
- Disposal Fees: 27%
- Sale of Electricity: 48%
- Lease Interest: 5%
- Interest on Invested Funds: 8%
- Other: 1%

LONG-TERM DEBT

On June 30, 2007, the Project’s long-term debt outstanding was $28,175,179. The debt consists of Certificates of Participation, which mature in 2010.
ECONOMIC FACTORS AND NEXT YEAR'S BUDGETS AND RATES

The consulting firm of Kelling, Northcross & Nobriga (KNN) has been retained for financial advice. Management regularly works with KNN to ensure that financial projections of the Resource Recovery Account are realistic and reliable. Current projections through 2010 indicate that a disposal fee of $28 per ton, estimated electrical revenues, and the cash of the Stanislaus Resource Recovery Account are adequate to fund all expected expenses.

The current disposal fee at the Facility is $28 per ton. This is a significant reduction from the disposal fees charged as recently as 2001, when the fee was $40.25 per ton. As a result of higher electricity revenues and lower certificate interest rates, the project has been able to implement a series of disposal fee reductions. At $28 per ton, the current fee is competitive with fees charged at other disposal sites in the region.

In anticipation of a new operating contract, HDR Engineering, Inc. has been retained to provide an independent mechanical assessment of the Waste-to-Energy Facility prior to 2010.

Solid waste processed by the Facility is expected to remain stable at approximately 250,000 tons for the fiscal year ending June 30, 2009.

Electrical generation is expected to remain stable at approximately 130,000 megawatt-hours for the fiscal year ending June 30, 2009.

The sale of electricity is pursuant to the Power Purchase Agreement between Covanta Stanislaus, Inc. and PG & E. The average electricity price, which is set for 2008 at $0.06515 per kilowatt-hour, will escalate by 1% to $0.06580 and $0.06445 in 2009 and 2010 respectively.

Cash and investments of the Resource Recovery Account are expected to equal approximately $16 million on June 30, 2009.
Pursuant to the requirements of their Agreements with the Bank of New York and the Refunding Revenue Certificates Series 2000, the City of Modesto and the County of Stanislaus have prepared the accompanying unaudited pro forma financial information for illustrative purposes only, based on the respective Basic Financial Statements of the Stanislaus Resource Recovery Account Waste-To-Energy Fund and the Stanislaus Waste-to-Energy Financing Agency. These pro forma financial statements may not be indicative of the combined financial position, results of operations and cash flows of the Stanislaus Resource Recovery Account Waste-To-Energy Fund and the Stanislaus Waste-to-Energy Financing Agency for the periods presented, and are presented only for purposes of analysis.
## STANISLAUS WASTE-TO-ENERGY FINANCING AGENCY AND STANISLAUS RESOURCE RECOVERY ACCOUNT
### UNAUDITED PROFORMA STATEMENT OF NET ASSETS
#### JUNE 30, 2007

<table>
<thead>
<tr>
<th>Financing Agency</th>
<th>Resource Recovery Account</th>
<th>Elimination</th>
<th>Proforma</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cash and investments</td>
<td>$29,050,704</td>
<td>$29,050,704</td>
<td>$29,050,704</td>
</tr>
<tr>
<td>Cash with fiscal agent</td>
<td>$11,865,973</td>
<td>11,865,973</td>
<td>11,865,973</td>
</tr>
<tr>
<td>Accounts receivable</td>
<td>1,154,708</td>
<td>1,154,708</td>
<td>1,154,708</td>
</tr>
<tr>
<td>Interest receivable</td>
<td>191,912</td>
<td>191,912</td>
<td>191,912</td>
</tr>
<tr>
<td>Due from Financing Agency</td>
<td>303,246</td>
<td>($303,246)</td>
<td>303,246</td>
</tr>
<tr>
<td>Other receivable</td>
<td>64,377</td>
<td>64,377</td>
<td>64,377</td>
</tr>
<tr>
<td>Lease receivable from Covanta</td>
<td>28,190,000</td>
<td>28,190,000</td>
<td>28,190,000</td>
</tr>
<tr>
<td>Issuance costs</td>
<td>318,339</td>
<td>318,339</td>
<td>318,339</td>
</tr>
<tr>
<td><strong>Total assets</strong></td>
<td><strong>40,374,312</strong></td>
<td><strong>30,764,947</strong></td>
<td><strong>70,836,013</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Liabilities</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Current liabilities:</td>
<td></td>
</tr>
<tr>
<td>Accounts payable</td>
<td>220,337</td>
</tr>
<tr>
<td>Interest payable</td>
<td>109,896</td>
</tr>
<tr>
<td>Due to Resource Recovery Account</td>
<td>303,246</td>
</tr>
<tr>
<td>Certificates of participation</td>
<td>6,935,000</td>
</tr>
<tr>
<td><strong>Current liabilities</strong></td>
<td><strong>7,348,142</strong></td>
</tr>
<tr>
<td>Noncurrent liabilities:</td>
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</tr>
<tr>
<td>Certificates of participation</td>
<td>21,240,179</td>
</tr>
<tr>
<td><strong>Total liabilities</strong></td>
<td><strong>28,588,321</strong></td>
</tr>
<tr>
<td><strong>Net assets</strong></td>
<td></td>
</tr>
<tr>
<td>Restricted for debt service</td>
<td>11,865,973</td>
</tr>
<tr>
<td>Unrestricted</td>
<td>(79,982)</td>
</tr>
<tr>
<td><strong>Total net assets</strong></td>
<td><strong>$11,785,991</strong></td>
</tr>
</tbody>
</table>
STANISLAUS WASTE-TO-ENERGY FINANCING AGENCY AND STANISLAUS RESOURCE RECOVERY ACCOUNT
UNAUDITED PROFORMA STATEMENT OF REVENUES, EXPENSES AND CHANGES IN NET ASSETS
FOR THE FISCAL YEAR ENDED JUNE 30, 2007

<table>
<thead>
<tr>
<th>Covanta related activities:</th>
<th>Financing Agency</th>
<th>Resource Recovery Account</th>
<th>Elimination</th>
<th>Proforma</th>
</tr>
</thead>
<tbody>
<tr>
<td>Revenues:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>PG&amp;E/electricity sales</td>
<td>$11,842,191</td>
<td></td>
<td></td>
<td>$11,842,191</td>
</tr>
<tr>
<td>Contracting Communities</td>
<td>2,738,514</td>
<td></td>
<td>(2,738,514)</td>
<td></td>
</tr>
<tr>
<td>Lease interest payment from Covanta</td>
<td>1,374,902</td>
<td></td>
<td></td>
<td>1,374,902</td>
</tr>
<tr>
<td>Total revenues</td>
<td>15,955,607</td>
<td></td>
<td>(2,738,514)</td>
<td>13,217,093</td>
</tr>
<tr>
<td>Expenses:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Operation and maintenance reimbursement to Covanta</td>
<td>14,580,705</td>
<td></td>
<td></td>
<td>14,580,705</td>
</tr>
<tr>
<td>Net available for Covanta reimbursements</td>
<td>1,374,902</td>
<td></td>
<td>(2,738,514)</td>
<td>(1,363,612)</td>
</tr>
<tr>
<td>Debt service related activities:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Revenues:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Interest earned from bond proceeds</td>
<td>471,668</td>
<td></td>
<td></td>
<td>471,668</td>
</tr>
<tr>
<td>Expenses:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Interest expense</td>
<td>1,115,036</td>
<td></td>
<td></td>
<td>1,115,036</td>
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<tr>
<td>Amortization</td>
<td>133,264</td>
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<td></td>
<td>133,264</td>
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<tr>
<td>Total expenses</td>
<td>1,248,300</td>
<td></td>
<td></td>
<td>1,248,300</td>
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<tr>
<td>Net available for debt service</td>
<td>(776,632)</td>
<td></td>
<td></td>
<td>(776,632)</td>
</tr>
<tr>
<td>Other operating activities:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Operating revenues:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sanitation services</td>
<td>$6,446,698</td>
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<td></td>
<td>6,446,698</td>
</tr>
<tr>
<td>Supplemental waste revenue share</td>
<td>425,996</td>
<td></td>
<td></td>
<td>425,996</td>
</tr>
<tr>
<td>Total revenues</td>
<td>6,872,694</td>
<td></td>
<td></td>
<td>6,872,694</td>
</tr>
<tr>
<td>Operating expenses:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Operations and maintenance - Covanta Stanislaus</td>
<td>2,738,514</td>
<td>(2,738,514)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lease reimbursement to Covanta</td>
<td>7,879,902</td>
<td></td>
<td></td>
<td>7,879,902</td>
</tr>
<tr>
<td>Other operating expenses</td>
<td>1,291,869</td>
<td></td>
<td></td>
<td>1,291,869</td>
</tr>
<tr>
<td>Total expenses</td>
<td>11,910,285</td>
<td>(2,738,514)</td>
<td></td>
<td>9,171,771</td>
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<tr>
<td>Net available for other operating activities</td>
<td>(5,037,591)</td>
<td>2,738,514</td>
<td></td>
<td>(2,299,077)</td>
</tr>
<tr>
<td>Nonoperating revenues (expenses):</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pass-thru electricity sales from PG&amp;E</td>
<td>6,505,000</td>
<td></td>
<td></td>
<td>6,505,000</td>
</tr>
<tr>
<td>Pass-thru energy sales to Covanta</td>
<td>(6,505,000)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Interest income</td>
<td>1,490,859</td>
<td></td>
<td></td>
<td>1,490,859</td>
</tr>
<tr>
<td>Gain on investments</td>
<td>135,548</td>
<td></td>
<td></td>
<td>135,548</td>
</tr>
<tr>
<td>Net nonoperating revenues</td>
<td>1,626,407</td>
<td></td>
<td></td>
<td>1,626,407</td>
</tr>
<tr>
<td>Change in net assets</td>
<td>598,270</td>
<td>(3,411,184)</td>
<td></td>
<td>(2,812,914)</td>
</tr>
<tr>
<td>Net assets, beginning of year</td>
<td>11,187,721</td>
<td>33,955,794</td>
<td></td>
<td>45,143,515</td>
</tr>
<tr>
<td>Net assets, end of year</td>
<td>$11,785,991</td>
<td>$30,544,610</td>
<td></td>
<td>$42,330,601</td>
</tr>
<tr>
<td></td>
<td>Financing Agency</td>
<td>Resource Recovery Account</td>
<td>Elimination</td>
<td>Proforma</td>
</tr>
<tr>
<td>-----------------------------</td>
<td>------------------</td>
<td>---------------------------</td>
<td>-------------</td>
<td>----------</td>
</tr>
<tr>
<td><strong>Cash flows from Covanta activities:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Receipts from FG&amp;E</td>
<td>$11,842,191</td>
<td></td>
<td>$11,842,191</td>
<td></td>
</tr>
<tr>
<td>Payments to Covanta</td>
<td>(14,580,705)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Cash flows from Covanta activities</strong></td>
<td></td>
<td></td>
<td>(2,738,514)</td>
<td>(2,738,514)</td>
</tr>
<tr>
<td><strong>Cash flows from debt service activities:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lease payments from Covanta:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Principal</td>
<td>6,505,000</td>
<td></td>
<td>6,505,000</td>
<td></td>
</tr>
<tr>
<td>Interest</td>
<td>1,374,902</td>
<td></td>
<td>1,374,902</td>
<td></td>
</tr>
<tr>
<td><strong>Cash flows from debt service activities</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Cash flows from operating activities:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Receipts from disposal companies</td>
<td></td>
<td>$6,656,313</td>
<td>6,656,313</td>
<td></td>
</tr>
<tr>
<td>Other operating expenses, net</td>
<td></td>
<td>(11,903,398)</td>
<td>2,738,514</td>
<td>(5,164,884)</td>
</tr>
<tr>
<td><strong>Cash flows from operating activities</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Cash flows from nonoperating activities:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Interest received</td>
<td>1,650,663</td>
<td></td>
<td>1,650,663</td>
<td></td>
</tr>
<tr>
<td><strong>Cash flows from nonoperating activities</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Net cash flows</td>
<td>741,290</td>
<td></td>
<td>741,290</td>
<td></td>
</tr>
<tr>
<td><strong>Net cash flows</strong></td>
<td>741,290</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cash and equivalents at beginning of year</td>
<td>11,124,683</td>
<td>32,647,126</td>
<td>43,771,809</td>
<td></td>
</tr>
<tr>
<td>Cash and equivalents at end of year</td>
<td>$11,865,973</td>
<td>$29,050,704</td>
<td>$40,916,677</td>
<td></td>
</tr>
</tbody>
</table>

**Reconciliation of income (loss) not cash provided by:**

| Covanta activities          | $1,374,902       |                           | $1,374,902  |          |
| Debt service related activities | (776,632)     |                           | (776,632)   |          |
| Operating activities        |                  | (5,037,591)               |             |          |
| **Adjustments to reconcile income to cash flows from operating activities:** |                  |                           |             |          |
| Change in assets and liabilities: |                  |                           |             |          |
| Decrease (increase) in accounts receivable | 6,505,000       | (216,381)                 | (216,381)   |          |
| Decrease (increase) in lease receivable | 6,505,000        |                           | 6,505,000   |          |
| Decrease (increase) in accounts payable | 6,887           |                           | 6,887       |          |
| Decrease (increase) in interest payable | 9,756           |                           | 9,756       |          |
| Decrease (increase) in certificates of participation | (2,738,514)     |                           |             |          |
| **Cash Flows from Covanta, debt service, and operating activities** | $741,290        | (5,247,085)               | (4,505,795) |          |
STANISLAUS WASTE-TO-ENERGY FINANCING AGENCY AND
STANISLAUS RESOURCE RECOVERY ACCOUNT
UNAUDITED PROFORMA STATEMENT OF NET ASSETS
JUNE 30, 2006

<table>
<thead>
<tr>
<th>Assets</th>
<th>Financing Agency</th>
<th>Resource Recovery Account</th>
<th>Elimination</th>
<th>Proforma</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Cash and investments</strong></td>
<td>$32,647,126</td>
<td>$11,124,683</td>
<td></td>
<td>$32,647,126</td>
</tr>
<tr>
<td><strong>Cash with fiscal agent</strong></td>
<td>11,124,683</td>
<td></td>
<td></td>
<td>11,124,683</td>
</tr>
<tr>
<td><strong>Accounts receivable</strong></td>
<td>1,002,704</td>
<td>303,246</td>
<td>($303,246)</td>
<td>1,002,704</td>
</tr>
<tr>
<td><strong>Interest receivable</strong></td>
<td>216,168</td>
<td>216,168</td>
<td></td>
<td>216,168</td>
</tr>
<tr>
<td><strong>Due from Financing Agency</strong></td>
<td>34,695,000</td>
<td></td>
<td></td>
<td>34,695,000</td>
</tr>
<tr>
<td><strong>Lease receivable from Covanta</strong></td>
<td>34,695,000</td>
<td></td>
<td></td>
<td>34,695,000</td>
</tr>
<tr>
<td><strong>Issuance costs</strong></td>
<td>445,676</td>
<td></td>
<td></td>
<td>445,676</td>
</tr>
<tr>
<td><strong>Total assets</strong></td>
<td>46,265,359</td>
<td>34,169,244</td>
<td>(303,246)</td>
<td>80,131,357</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Liabilities</th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Current liabilities:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Accounts payable</td>
<td>213,450</td>
<td></td>
<td></td>
<td>213,450</td>
</tr>
<tr>
<td>Interest payable</td>
<td>100,140</td>
<td></td>
<td></td>
<td>100,140</td>
</tr>
<tr>
<td>Arbitrage liability</td>
<td>303,246</td>
<td></td>
<td>(303,246)</td>
<td></td>
</tr>
<tr>
<td>Certificates of participation</td>
<td>6,505,000</td>
<td></td>
<td></td>
<td>6,505,000</td>
</tr>
<tr>
<td><strong>Current liabilities</strong></td>
<td>6,908,386</td>
<td>213,450</td>
<td>(303,246)</td>
<td>6,818,590</td>
</tr>
</tbody>
</table>

| Noncurrent liabilities:              |                   |                           |             |                |
| Certificates of participation        | 28,169,252         |                           |             | 28,169,252     |
| **Total liabilities**                | 35,077,638         | 213,450                   | (303,246)   | 34,987,842     |

| Net assets                           |                   |                           |             |                |
| Restricted for debt service          | 11,124,683        |                           |             | 11,124,683     |
| Unrestricted                         | 63,038            | 33,955,794                |             | 34,018,832     |
| **Total net assets**                 | **$11,187,721**   | **$33,955,794**           |             | **$45,143,515** |
STANISLAUS WASTE-TO-ENERGY FINANCING AGENCY AND
STANISLAUS RESOURCE RECOVERY ACCOUNT
UNAUDITED PROFORMA STATEMENT OF REVENUES, EXPENSES
AND CHANGES IN NET ASSETS
FOR THE FISCAL YEAR ENDED JUNE 30, 2006

<table>
<thead>
<tr>
<th>Covanta related activities:</th>
<th>Financing Agency</th>
<th>Resource Recovery Account</th>
<th>Elimination</th>
<th>Pro forma</th>
</tr>
</thead>
<tbody>
<tr>
<td>Revenues:</td>
<td>$9,412,977</td>
<td>$3,665,159</td>
<td>($3,665,159)</td>
<td>1,265,811</td>
</tr>
<tr>
<td>PG&amp;E/electricity sales</td>
<td>$9,412,977</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Contracting Communities</td>
<td>3,665,159</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lease interest payment from Covanta</td>
<td>1,265,811</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total revenues</td>
<td>14,342,947</td>
<td>(3,665,159)</td>
<td></td>
<td>10,678,788</td>
</tr>
<tr>
<td>Expenses:</td>
<td>14,156,286</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Operation and maintenance reimbursement to Covanta</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Net available for Covanta reimbursements</td>
<td>187,661</td>
<td>(3,665,159)</td>
<td>(3,477,498)</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Debt service related activities:</th>
<th>Financing Agency</th>
<th>Resource Recovery Account</th>
<th>Elimination</th>
<th>Pro forma</th>
</tr>
</thead>
<tbody>
<tr>
<td>Revenues:</td>
<td>$421,822</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Interest earned from bond proceeds</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

| Expenses:                       | 1,092,886        | 133,264                   |             |           |
| Interest expense                | 1,092,886        |                          |             |           |
| Amortization                    | 133,264          |                          |             |           |
| Total expenses                  | 1,226,150        |                          |             |           |
| Net available for debt service  | (804,328)        |                          |             |           |

<table>
<thead>
<tr>
<th>Other operating activities:</th>
<th>Financing Agency</th>
<th>Resource Recovery Account</th>
<th>Elimination</th>
<th>Pro forma</th>
</tr>
</thead>
<tbody>
<tr>
<td>Operating revenues:</td>
<td>$5,955,455</td>
<td>252,177</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sanitation services</td>
<td>$5,955,455</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Supplemental waste revenue share</td>
<td>252,177</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total revenues</td>
<td>6,207,632</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Operating expenses:</td>
<td>12,281,933</td>
<td>(3,665,159)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Operations and maintenance - Covanta Stanislaus</td>
<td>3,665,159</td>
<td>(3,665,159)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lease reimbursement to Covanta</td>
<td>7,415,811</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other operating expenses</td>
<td>1,200,963</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total expenses</td>
<td>12,281,933</td>
<td>(3,665,159)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Net available for other operating activities</td>
<td>(6,074,201)</td>
<td>(3,665,159)</td>
<td>(2,409,142)</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Nonoperating revenues (expenses)</th>
<th>Financing Agency</th>
<th>Resource Recovery Account</th>
<th>Elimination</th>
<th>Pro forma</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pass-thru electricity sales from PG&amp;E</td>
<td>6,150,000</td>
<td>(6,150,000)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pass-thru energy sales to Covanta</td>
<td>(6,150,000)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Interest income</td>
<td>1,316,267</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Gain on investments</td>
<td>(53,237)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Net nonoperating revenues</td>
<td>1,263,030</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

| Change in net assets            | (616,667)        | (4,811,271)               |             | (5,427,938) |
| Net assets, beginning of year   | 11,804,388       | 38,767,065                |             | 50,571,453  |
| Net assets, end of year         | $11,187,721      | $33,955,794               |             | $45,143,515 |
STANISLAUS WASTE-TO-ENERGY FINANCING AGENCY AND
STANISLAUS RESOURCE RECOVERY ACCOUNT
UNAUDITED PROFORMA STATEMENT OF CASH FLOWS
FOR THE FISCAL YEAR ENDED JUNE 30, 2006

<table>
<thead>
<tr>
<th>Financing Agency</th>
<th>Resource Recovery Account</th>
<th>Elimination</th>
<th>Proforma</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cash flows from Covanta activities</td>
<td>$9,412,977</td>
<td></td>
<td>$9,412,977</td>
</tr>
<tr>
<td>Receipts from PG&amp;E</td>
<td>3,665,159</td>
<td>($3,665,159)</td>
<td>(14,156,286)</td>
</tr>
<tr>
<td>Payments to Covanta</td>
<td>(14,156,286)</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>(1,078,150)</td>
<td>(3,665,159)</td>
<td>(4,743,309)</td>
</tr>
</tbody>
</table>

Cash flows from Covanta activities

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lease payments from Covanta:</td>
<td></td>
</tr>
<tr>
<td>Principal</td>
<td>6,150,000</td>
</tr>
<tr>
<td>Interest</td>
<td>1,265,811</td>
</tr>
<tr>
<td>Interest received</td>
<td>421,822</td>
</tr>
<tr>
<td>Interest paid on long-term debt</td>
<td>1,084,211</td>
</tr>
<tr>
<td>Principal paid on long-term debt</td>
<td>6,150,000</td>
</tr>
<tr>
<td>Cash flows from debt service activities</td>
<td>603,244</td>
</tr>
</tbody>
</table>

Cash flows from operating activities

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Receipts from disposal companies</td>
<td>$6,104,469</td>
</tr>
<tr>
<td>Other operating expenses, net</td>
<td>(12,068,807)</td>
</tr>
<tr>
<td>Cash flows from operating activities</td>
<td>(6,064,348)</td>
</tr>
</tbody>
</table>

Cash flows from nonoperating activities

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pass-thru electricity sales from PG&amp;E</td>
<td>6,150,000</td>
</tr>
<tr>
<td>Pass-thru energy sales to Covanta</td>
<td>(6,150,000)</td>
</tr>
<tr>
<td>Interest received</td>
<td>1,182,133</td>
</tr>
<tr>
<td>Cash flows from nonoperating activities</td>
<td>1,182,133</td>
</tr>
</tbody>
</table>

Net cash flows | (474,906) |

Cash and equivalents at beginning of year | 11,599,589 |

Cash and equivalents at end of year | $11,124,683 |

Reconciliation of income (loss) to net cash provided by Covanta activities

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Covanta activities</td>
<td>$187,661</td>
</tr>
<tr>
<td>Debt service related activities</td>
<td>(804,328)</td>
</tr>
<tr>
<td>Operating activities</td>
<td>(6,074,301)</td>
</tr>
<tr>
<td>Adjustments to reconcile income to cash flows from operating activities:</td>
<td></td>
</tr>
<tr>
<td>Change in assets and liabilities:</td>
<td></td>
</tr>
<tr>
<td>Decrease (increase) in accounts receivable</td>
<td>(103,163)</td>
</tr>
<tr>
<td>Decrease (increase) in lease receivable</td>
<td>6,150,000</td>
</tr>
<tr>
<td>Decrease (increase) in accounts payable</td>
<td>213,126</td>
</tr>
<tr>
<td>Decrease (increase) in interest payable</td>
<td>8,497</td>
</tr>
<tr>
<td>Decrease (increase) in Certificates of Participation</td>
<td>(6,016,736)</td>
</tr>
<tr>
<td>Cash Flows from Covanta, debt service, and operating activities</td>
<td>(474,906)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Covanta activities</td>
<td>$187,661</td>
</tr>
<tr>
<td>Debt service related activities</td>
<td>(804,328)</td>
</tr>
<tr>
<td>Operating activities</td>
<td>(6,074,301)</td>
</tr>
<tr>
<td>Adjustments to reconcile income to cash flows from operating activities:</td>
<td></td>
</tr>
<tr>
<td>Change in assets and liabilities:</td>
<td></td>
</tr>
<tr>
<td>Decrease (increase) in accounts receivable</td>
<td>(103,163)</td>
</tr>
<tr>
<td>Decrease (increase) in lease receivable</td>
<td>6,150,000</td>
</tr>
<tr>
<td>Decrease (increase) in accounts payable</td>
<td>213,126</td>
</tr>
<tr>
<td>Decrease (increase) in interest payable</td>
<td>8,497</td>
</tr>
<tr>
<td>Decrease (increase) in Certificates of Participation</td>
<td>(6,016,736)</td>
</tr>
<tr>
<td>Cash Flows from Covanta, debt service, and operating activities</td>
<td>(474,906)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Covanta activities</td>
<td>$187,661</td>
</tr>
<tr>
<td>Debt service related activities</td>
<td>(804,328)</td>
</tr>
<tr>
<td>Operating activities</td>
<td>(6,074,301)</td>
</tr>
<tr>
<td>Adjustments to reconcile income to cash flows from operating activities:</td>
<td></td>
</tr>
<tr>
<td>Change in assets and liabilities:</td>
<td></td>
</tr>
<tr>
<td>Decrease (increase) in accounts receivable</td>
<td>(103,163)</td>
</tr>
<tr>
<td>Decrease (increase) in lease receivable</td>
<td>6,150,000</td>
</tr>
<tr>
<td>Decrease (increase) in accounts payable</td>
<td>213,126</td>
</tr>
<tr>
<td>Decrease (increase) in interest payable</td>
<td>8,497</td>
</tr>
<tr>
<td>Decrease (increase) in Certificates of Participation</td>
<td>(6,016,736)</td>
</tr>
<tr>
<td>Cash Flows from Covanta, debt service, and operating activities</td>
<td>(474,906)</td>
</tr>
</tbody>
</table>
STANISLAUS WASTE-TO-ENERGY FINANCING AGENCY
BASIC FINANCIAL STATEMENTS
FOR THE YEARS ENDED JUNE 30, 2007 AND 2006
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INDEPENDENT AUDITOR’S OPINION

To the County of Stanislaus and the City of Modesto (the Contracting Communities)
Stanislaus Waste-To-Energy Financing Agency Executive Commission
Modesto, California

We have audited the basic financial statements of the Stanislaus Waste-to-Energy Financing Agency (Agency) as of and for the years ended June 30, 2007 and 2006, as listed in the Table of Contents. These financial statements are the responsibility of the Agency’s management. Our responsibility is to express an opinion on these financial statements based on our audits.

We conducted our audits in accordance with generally accepted auditing standards in the United States of America. Those standards require that we plan and perform the audits to obtain reasonable assurance as to whether the financial statements are free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe that our audits provide a reasonable basis for our opinion.

In our opinion the basic financial statements referred to above present fairly in all material respects the financial position of the Stanislaus Waste-to-Energy Financing Agency as of June 30, 2007 and 2006, and the changes in the financial position and cash flows for the years then ended, in conformity with generally accepted accounting principles in the United States of America.

Management’s Discussion and Analysis is not a required part of the basic financial statements but is supplementary information required by the Government Accounting Standards Board. We have applied certain limited procedures to this information, principally inquiries of management regarding the methods of measurement and presentation of this information, but we did not audit this information and we express no opinion on it.

Our audit was conducted for the purpose of forming an opinion on the basic financial statements taken as a whole. The supplemental pro forma information listed in the Table of Contents is presented for purposes of additional analysis and is not a required part of the basic financial statements of the Agency. Such information was not audited by us and we do not express an opinion on this information.

December 13, 2007
## STANISLAUS WASTE-TO-ENERGY FINANCING AGENCY
### STATEMENT OF NET ASSETS
### JUNE 30, 2007 AND 2006

<table>
<thead>
<tr>
<th></th>
<th>2007</th>
<th>2006</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Assets</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Current assets</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cash with fiscal agent (Note 2)</td>
<td>$11,865,973</td>
<td>$11,124,683</td>
</tr>
<tr>
<td>Total current assets</td>
<td>11,865,973</td>
<td>11,124,683</td>
</tr>
<tr>
<td>Noncurrent assets</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lease receivable from Covanta (Note 3)</td>
<td>28,190,000</td>
<td>34,695,000</td>
</tr>
<tr>
<td>Issuance costs</td>
<td>318,339</td>
<td>445,676</td>
</tr>
<tr>
<td>Total noncurrent assets</td>
<td>28,508,339</td>
<td>35,140,676</td>
</tr>
<tr>
<td><strong>Total assets</strong></td>
<td>40,374,312</td>
<td>46,265,359</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>2007</th>
<th>2006</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Liabilities</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Current liabilities</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Interest payable</td>
<td>109,896</td>
<td>100,140</td>
</tr>
<tr>
<td>Arbitrage liability reimbursement (Note 5)</td>
<td>303,246</td>
<td>303,246</td>
</tr>
<tr>
<td>Certificates of participation (Note 4)</td>
<td>6,935,000</td>
<td>6,505,000</td>
</tr>
<tr>
<td>Total current liabilities</td>
<td>7,348,142</td>
<td>6,908,386</td>
</tr>
<tr>
<td>Noncurrent liabilities</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Certificates of participation (Note 4)</td>
<td>21,240,179</td>
<td>28,169,252</td>
</tr>
<tr>
<td><strong>Total liabilities</strong></td>
<td>28,588,321</td>
<td>35,077,638</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Net assets (Note 6)</strong></th>
<th>2007</th>
<th>2006</th>
</tr>
</thead>
<tbody>
<tr>
<td>Restricted for debt service</td>
<td>11,865,973</td>
<td>11,124,683</td>
</tr>
<tr>
<td>Unrestricted</td>
<td>(79,982)</td>
<td>63,038</td>
</tr>
<tr>
<td><strong>Total net assets</strong></td>
<td>$11,785,991</td>
<td>$11,187,721</td>
</tr>
</tbody>
</table>

See accompanying notes to financial statements.
**STANISLAUS WASTE-TO-ENERGY FINANCING AGENCY**

**STATEMENT OF REVENUES, EXPENSES AND CHANGES IN NET ASSETS**

**FOR THE FISCAL YEARS ENDED JUNE 30, 2007 AND 2006**

<table>
<thead>
<tr>
<th></th>
<th>2007</th>
<th>2006</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Covanta related activities (Note 3):</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Revenues:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Electricity sales - PG&amp;E</td>
<td>$11,842,191</td>
<td>$9,412,977</td>
</tr>
<tr>
<td>Contracting Communities - disposal companies</td>
<td>2,738,514</td>
<td>3,665,159</td>
</tr>
<tr>
<td>Lease interest receipts from Covanta</td>
<td>1,374,902</td>
<td>1,265,811</td>
</tr>
<tr>
<td><strong>Expense:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Operation and maintenance</td>
<td></td>
<td></td>
</tr>
<tr>
<td>reimbursement to Covanta</td>
<td>14,580,705</td>
<td>14,156,286</td>
</tr>
<tr>
<td><strong>Net Covanta related revenues</strong></td>
<td>1,374,902</td>
<td>187,661</td>
</tr>
</tbody>
</table>

| **Debt service related activities:** |               |               |
| Revenues:                           |               |               |
| Interest earned from bond proceeds | 471,668       | 421,822       |
| **Expenses:**                      |               |               |
| Interest on certificates           | 1,115,036     | 1,092,886     |
| Amortization of issuance costs     | 133,264       | 133,264       |
| **Net (expense)**                  | (776,632)     | (804,328)     |
| **Net revenues**                   | 598,270       | (616,667)     |

| **Nonoperating revenues (expenses) (Note 3):** |               |               |
| Pass-thru electricity sales from PG&E | 6,505,000     | 6,150,000     |
| Pass-thru energy sales payments to Covanta | (6,505,000) | (6,150,000) |
| **Change in net assets**             | 598,270       | (616,667)     |
| **Net assets, beginning of year**    | 11,187,721    | 11,804,388    |
| **Net assets, end of year**          | $11,785,991   | $11,187,721   |

See accompanying notes to financial statements
# Cash Flows from Covanta Activities

<table>
<thead>
<tr>
<th>Description</th>
<th>2007</th>
<th>2006</th>
</tr>
</thead>
<tbody>
<tr>
<td>Receipts from PG&amp;E</td>
<td>$11,842,191</td>
<td>$9,412,977</td>
</tr>
<tr>
<td>Receipts from Contracting Communities</td>
<td>2,738,514</td>
<td>3,665,159</td>
</tr>
<tr>
<td>Payments to Covanta</td>
<td>(14,580,705)</td>
<td>(14,156,286)</td>
</tr>
<tr>
<td>Cash flows from Covanta activities</td>
<td></td>
<td>(1,078,150)</td>
</tr>
</tbody>
</table>

# Cash Flows from Capital and Related Financing Debt Service Activities

<table>
<thead>
<tr>
<th>Description</th>
<th>2007</th>
<th>2006</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lease payments from Covanta:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Principal</td>
<td>6,505,000</td>
<td>6,150,000</td>
</tr>
<tr>
<td>Interest</td>
<td>1,374,902</td>
<td>1,255,811</td>
</tr>
<tr>
<td>Interest earned from bond proceeds</td>
<td>471,668</td>
<td>421,822</td>
</tr>
<tr>
<td>Interest paid on long-term debt</td>
<td>(1,105,280)</td>
<td>(1,084,389)</td>
</tr>
<tr>
<td>Principal paid on long-term debt</td>
<td>(6,505,000)</td>
<td>(6,150,000)</td>
</tr>
<tr>
<td>Cash flows from debt service activities</td>
<td>741,290</td>
<td>603,244</td>
</tr>
</tbody>
</table>

# Cash Flows from Nonoperating Activities

<table>
<thead>
<tr>
<th>Description</th>
<th>2007</th>
<th>2006</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pass-thru electricity sales from PG&amp;E</td>
<td>6,505,000</td>
<td>6,150,000</td>
</tr>
<tr>
<td>Pass-thru energy sales to Covanta</td>
<td>(6,505,000)</td>
<td>(6,150,000)</td>
</tr>
<tr>
<td>Cash flows from nonoperating activities</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Net cash flows</td>
<td>741,290</td>
<td>(474,906)</td>
</tr>
</tbody>
</table>

# Cash and Equivalents at December 31, 2007 and 2006

<table>
<thead>
<tr>
<th>Description</th>
<th>2007</th>
<th>2006</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cash and equivalents at beginning of year</td>
<td>11,124,683</td>
<td>11,599,589</td>
</tr>
<tr>
<td>Cash and equivalents at end of year</td>
<td>$11,865,973</td>
<td>$11,124,683</td>
</tr>
</tbody>
</table>

# Reconciliation of Income (Loss) Net Cash Provided by Covanta Activities

<table>
<thead>
<tr>
<th>Description</th>
<th>2007</th>
<th>2006</th>
</tr>
</thead>
<tbody>
<tr>
<td>Covanta activities</td>
<td>$1,374,902</td>
<td>$187,661</td>
</tr>
<tr>
<td>Debt service related activities</td>
<td>(776,632)</td>
<td>(804,328)</td>
</tr>
<tr>
<td>Adjustments to reconcile income</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Change in assets and liabilities:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Decrease (increase) in lease receivable</td>
<td>6,505,000</td>
<td>6,150,000</td>
</tr>
<tr>
<td>Decrease (increase) in interest payable</td>
<td>9,756</td>
<td>8,497</td>
</tr>
<tr>
<td>Decrease (increase) in certificates of participation</td>
<td>(6,371,736)</td>
<td>(6,016,736)</td>
</tr>
<tr>
<td>Cash Flows from Operating Activities</td>
<td>$741,290</td>
<td>($474,906)</td>
</tr>
</tbody>
</table>

See accompanying notes to financial statements.
NOTE 1 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

A. General

The financial statements of the Stanislaus Waste-to-Energy Financing Agency are prepared in accordance with Generally Accepted Accounting Principles (GAAP). The Agency applies all relevant Government Accounting Standard Board (GASB) pronouncements. Proprietary funds apply Financial Accounting Standards Boards (FASB) pronouncements and Accounting Principles Board (APB) opinions issued on or before November 30, 1989, unless those pronouncements conflict or contradict GASB pronouncements, in which case, GASB prevails.

B. Reporting Entity

The Stanislaus Waste-to-Energy Financing Agency was established pursuant to an Extended Joint Exercise of Power Agreement, and Chapter 5 of Division 7 of Title 1 of the Government Code of the State of California between the City of Modesto and the County of Stanislaus for the sole purpose of providing financing and refinancing of the mass burn solid waste disposal, resource recovery and electric generating facility located in Stanislaus County, California.

C. Basis of Accounting

The Agency’s Basic Financial Statements are prepared in conformity with accounting principles generally accepted in the United States of America. The Government Accounting Standards Board is the acknowledged standard setting body for establishing accounting and financial reporting standards followed by governmental entities in the U.S.A.

The Agency is accounted for as an enterprise fund because its activities are financed by lease payments and its costs are matched against revenues in determining its financial results.

NOTE 2 - CASH AND INVESTMENTS

A. Policies

The Agency’s investments are carried at fair value, as required by generally accepted accounting principles. The Agency adjusts the carrying value of its investments to reflect their fair value at each fiscal year end, and it includes the effects of these adjustments in income for that fiscal year.

B. Interest Rate Risk, Classification, Credit Risk, and Concentration of Credit Risk

Interest rate risk - is the risk that changes in market interest rates will adversely affect the fair value of an investment. Normally, the longer the maturity of an investment, the greater the sensitivity of its fair value to changes in market interest rates. The Agency generally manages its interest rate risk by holding investments to maturity.

Information about the sensitivity of the fair values of the Agency’s investments (including investments held by bond trustees) to market interest rate fluctuations is provided by the table below that shows the distribution of the Fund’s investments by maturity.
At June 30, 2007 and 2006, the Agency's Cash and investments are classified in the financial statements as shown below, all restricted under the terms of City debt instruments or agreements.

<table>
<thead>
<tr>
<th>Maturity Date</th>
<th>2007</th>
<th>2006</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Restricted Assets:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cash equivalents with fiscal agent</td>
<td>$2,520,471</td>
<td>$1,994,183</td>
</tr>
<tr>
<td><strong>Investments:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Guaranteed Investment Contract</td>
<td>January 1, 2010</td>
<td>5,878,000</td>
</tr>
<tr>
<td>Investment Agreement</td>
<td>December 31, 2009</td>
<td>3,467,502</td>
</tr>
<tr>
<td><strong>Total cash and investments</strong></td>
<td>$9,345,502</td>
<td>$9,130,500</td>
</tr>
</tbody>
</table>

Credit risk - is the risk that an issuer of an investment will not fulfill its obligation to the holder of the investment. This is measured by the assignment of a rating by a nationally recognized statistical rating organization. The Guaranteed Investment Contract and Investment Agreement were not rated as of June 30, 2007 and 2006.

Concentration of credit risk - is the risk that investments in the securities of any individual issuers, other than U. S. Treasury securities, mutual funds and the California Local Agency Investment Fund, that represent 5% or more of total Entity-wide investments. As of June 30, 2007 and 2006, the Guarantee Investment Contract and the Investment Agreements were subject to concentration of credit risk.

C. Investments Authorized by Debt Agreements

The Agency must maintain required amounts of cash and investments with trustees or fiscal agents under the terms of certain debt issues. These funds are unexpended bond proceeds or are pledged reserves to be used if the City fails to meet its obligations under these debt issues. The California Government Code requires these funds to be invested in accordance with City resolutions, bond indentures or State statutes. The table below identifies the investment types that are authorized for investments held by fiscal agents. The bond indentures contain no limitations for the maximum investment in any one issuer or the maximum percentage of the portfolio that may be invested in any one investment type. The table also identifies certain provisions of these debt agreements:
NOTE 2 - CASH AND INVESTMENTS (Continued)

<table>
<thead>
<tr>
<th>Authorized Investment Type</th>
<th>Maximum Maturity</th>
<th>Minimum Credit Quality</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cash sweep or similar interest-earning deposit</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>U. S. Treasury Obligations</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>U. S. Agency Obligations</td>
<td>N/A</td>
<td>AAA</td>
</tr>
<tr>
<td>U. S. dollar deposit accounts, federal funds and bankers’ acceptances</td>
<td>360 days</td>
<td>A1/A-1+</td>
</tr>
<tr>
<td>Commercial paper</td>
<td>270 days</td>
<td>A-1+</td>
</tr>
<tr>
<td>Money Market Mutual Funds</td>
<td>N/A</td>
<td>AAAm</td>
</tr>
<tr>
<td>Municipal obligations bonds</td>
<td>N/A</td>
<td>Top rating category</td>
</tr>
<tr>
<td>Other form of investments such as repurchase agreements</td>
<td>N/A</td>
<td>N/A</td>
</tr>
</tbody>
</table>

NOTE 3 - AGREEMENTS WITH COVANTA STANISLAUS

Covanta Stanislaus operates a Solid Waste Facility which it leases from the Agency under non-cancellable Lease and Sublease Agreements described below; its operations are governed by the related Service Agreement for the Supply and Acceptance of Solid Waste among Stanislaus Waste Energy Company (Covanta Stanislaus), the City of Modesto, and the County of Stanislaus. Under the terms of the various Agreements, Covanta Stanislaus receives waste from haulers franchised by the City and County and converts it into electricity.

In connection with the issuance of the 2000 COPs, the Agency, Covanta Stanislaus and the Bank of New York, entered into a Trust Agreement under which Bank of New York receives lease and other revenues and pays debt service and other payments on behalf of the Agency and Covanta Stanislaus. Thus, revenues accruing to Covanta Stanislaus and expenditures on their behalf are processed by the Bank and are reflected in these financial statements.

Covanta’s Agreements with the Agency were last amended on January 1, 2000 and terminate on January 10, 2010. In substance, these are installment sale agreements that provide for the transfer of title to Covanta at the end of the lease term. They have therefore been accounted for as capital lease transactions by the Agency, which has recorded a lease receivable from Covanta Stanislaus.

Receipts under these Agreements secure debt service payments of the Refunding Revenue Certificates Series 2000 described in Note 4 below. Annual lease receipts are scheduled to equal the amount of annual debt service payments. In fiscal 2007, Covanta Stanislaus paid $7,879,902, of which $6,505,000 represented principal and $1,374,902 represented interest on the lease receivable. In fiscal 2006, Covanta Stanislaus paid $7,415,811, of which $6,150,000 represented principal and $1,265,811 represented interest on the lease receivable.

Future years’ scheduled receipts of principal on the Lease mirror the schedule of debt principal repayment requirements in Note 4 below, while interest is scheduled to vary with the amount of interest actually paid each year.
NOTE 3 – AGREEMENTS WITH COVANTA STANISLAUS (Continued)

Under the Agreements with Covanta Stanislaus, a percentage of the electricity sales received from PG & E is remitted to them. These transactions have been accounted for separately in the financial statements.

NOTE 4 – LONG TERM DEBT

On January 1, 2000, the Agency issued $58,780,000 Refunding Revenue Certificates Series 2000 to refinance the Series 1990 and 1990A Certificates. The Certificates were issued at variable rates, with interest calculated weekly. The rate fluctuates according to the market conditions, but is capped at 12%. The average monthly interest paid in fiscal years 2007 and 2006 was $92,920 and $91,074, respectively. Principal payments are made on January 1 and interest payments are made monthly.

The following is a summary of long-term debt transactions for fiscal years 2007 and 2006:

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Variable weekly, due January 1, 2010</td>
<td>$40,845,000</td>
<td>$5,150,000</td>
<td>$34,695,000</td>
<td>$6,505,000</td>
</tr>
<tr>
<td>Less: unamortized discount</td>
<td>(26,675)</td>
<td>(5,927)</td>
<td>(20,748)</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>$40,818,325</td>
<td>$5,144,073</td>
<td>$34,671,252</td>
<td>$6,505,000</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Variable weekly, due January 1, 2010</td>
<td>$34,695,000</td>
<td>$5,505,000</td>
<td>$28,190,000</td>
<td>$6,935,000</td>
</tr>
<tr>
<td>Less: unamortized discount</td>
<td>(20,748)</td>
<td>(5,927)</td>
<td>(14,821)</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>$34,674,252</td>
<td>$5,499,073</td>
<td>$28,175,179</td>
<td>$6,935,000</td>
</tr>
</tbody>
</table>

Annual debt service requirements are shown below:

<table>
<thead>
<tr>
<th>Year Ending June 30</th>
<th>Principal</th>
<th>Interest</th>
</tr>
</thead>
<tbody>
<tr>
<td>2008</td>
<td>$6,935,000</td>
<td>$1,023,297</td>
</tr>
<tr>
<td>2009</td>
<td>7,370,000</td>
<td>771,557</td>
</tr>
<tr>
<td>2010</td>
<td>13,885,000</td>
<td>504,026</td>
</tr>
<tr>
<td></td>
<td>$28,190,000</td>
<td>$2,298,880</td>
</tr>
</tbody>
</table>

Future interest rates are estimated to be 3.63% which was the actual rate used for June 2007.
NOTE 5 - ARBITRAGE LIABILITIES REIMBURSEMENT

The Agency owed the Stanislaus Resource Recovery Account Waste-To-Energy Enterprise Fund the amount of $303,246 at June 30, 2007 and 2006 for an arbitrage rebate payment made by the Fund on behalf of the Agency.

NOTE 6 - NET ASSETS

The Agency’s Net Assets may be used only for Agency purposes, which include the offset of any future Agency expenses not covered by Agency revenues.

Restricted for debt service describes the portion of Net Assets which is restricted as to use by the terms and conditions of trust agreement, which the Agency cannot unilaterally alter.

Unrestricted describes the portion of Net Assets which is not restricted to use.
STANISLAUS RESOURCE RECOVERY ACCOUNT
WASTE-TO-ENERGY
BASIC FINANCIAL STATEMENTS
FOR THE YEARS ENDED JUNE 30, 2007 AND 2006
INDEPENDENT AUDITOR'S OPINION

To the County of Stanislaus and the City of Modesto (the Contracting Communities)
Solid Waste-To-Energy Executive Committee
Stanislaus Resource Recovery Account
Waste-To-Energy Enterprise Fund,
Modesto, California

We have audited the basic financial statements of the Stanislaus Resource Recovery Account (Waste-To-Energy Enterprise Fund) of the County of Stanislaus as of and for the years ended June 30, 2007 and 2006, as listed in the Table of Contents. These financial statements are the responsibility of the Waste to Energy Enterprise Fund's management. Our responsibility is to express an opinion on these financial statements based on our audit.

We conducted our audits in accordance with generally accepted auditing standards in the United States of America, and the standards for financial audits contained in Government Audit Standards, issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain reasonable assurance as to whether the component unit financial statements are free of material misstatement. An audit includes examining on a test basis evidence supporting the amounts and disclosures in the component unit financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe that our audits provide a reasonable basis for our opinion.

In our opinion the basic financial statements referred to above present fairly in all material respects the financial position of the Stanislaus Resource Recovery Account (Waste-to-Energy Enterprise Fund) as of June 30, 2007 and 2006, and the changes in the financial position and cash flows for the years then ended, in conformity with generally accepted accounting principles in the United States of America.

Management's Discussion and Analysis is not a required part of the basic financial statements but is supplementary information required by the Government Accounting Standards Board. We have applied certain limited procedures to this information, principally inquiries of management regarding the methods of measurement and presentation of this information, but we did not audit this information and we express no opinion on it.

Our audit was conducted for the purpose of forming an opinion on the basic financial statements taken as a whole. The supplemental pro forma information listed in the Table of Contents is presented for purposes of additional analysis and is not a required part of the basic financial statements of the Fund. Such information was not audited by us and we do not express an opinion on this information.

December 13, 2007

A Professional Corporation
COUNTY OF STANISLAUS/CITY OF MODESTO  
STANISLAUS RESOURCE RECOVERY ACCOUNT  
STATEMENT OF NET ASSETS  
JUNE 30, 2007 AND 2006

<table>
<thead>
<tr>
<th></th>
<th>2007</th>
<th>2006</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Assets</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cash and investments (Note 2)</td>
<td>$29,050,704</td>
<td>$32,647,126</td>
</tr>
<tr>
<td>Accounts receivable</td>
<td>1,154,708</td>
<td>1,002,704</td>
</tr>
<tr>
<td>Interest receivable</td>
<td>191,912</td>
<td>216,168</td>
</tr>
<tr>
<td>Due from Stanislaus Waste-to-Energy Financing Agency</td>
<td>303,246</td>
<td>303,246</td>
</tr>
<tr>
<td>Other receivable</td>
<td>64,377</td>
<td></td>
</tr>
<tr>
<td><strong>Total assets</strong></td>
<td>$30,764,947</td>
<td>$34,169,244</td>
</tr>
<tr>
<td><strong>Liabilities</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Accounts payable</td>
<td>220,337</td>
<td>213,450</td>
</tr>
<tr>
<td><strong>Total liabilities</strong></td>
<td>220,337</td>
<td>213,450</td>
</tr>
<tr>
<td><strong>Net assets (Note 5)</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Unrestricted</td>
<td>$30,544,610</td>
<td>$33,955,794</td>
</tr>
<tr>
<td><strong>Total net assets</strong></td>
<td>$30,544,610</td>
<td>$33,955,794</td>
</tr>
</tbody>
</table>

See accompanying notes to financial statements.
COUNTY OF STANISLAUS/CITY OF MODESTO
STANISLAUS RESOURCE RECOVERY ACCOUNT
STATEMENT OF REVENUES, EXPENSES
AND CHANGES IN NET ASSETS
FOR THE FISCAL YEARS ENDED JUNE 30, 2007 AND 2006

<table>
<thead>
<tr>
<th></th>
<th>2007</th>
<th>2006</th>
</tr>
</thead>
<tbody>
<tr>
<td>Operating revenues:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Charges for services:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sanitation service (Note 1D)</td>
<td>$5,446,698</td>
<td>$5,955,455</td>
</tr>
<tr>
<td>Supplemental waste revenue share</td>
<td>425,996</td>
<td>252,177</td>
</tr>
<tr>
<td>Total operating revenues</td>
<td>$6,872,694</td>
<td>$6,207,632</td>
</tr>
<tr>
<td>Operating expenses:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Operations and maintenance -</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Covanta Stanislaus (Note 4)</td>
<td>2,738,514</td>
<td>3,665,159</td>
</tr>
<tr>
<td>Lease reimbursement to Covanta</td>
<td>7,879,902</td>
<td>7,415,811</td>
</tr>
<tr>
<td>Household hazardous waste (Note 1D)</td>
<td>373,914</td>
<td>367,709</td>
</tr>
<tr>
<td>AB939 (Note 1D)</td>
<td>373,914</td>
<td>367,709</td>
</tr>
<tr>
<td>Administrative services (City)</td>
<td>220,337</td>
<td>212,902</td>
</tr>
<tr>
<td>Administrative services (County)</td>
<td>246,191</td>
<td>195,999</td>
</tr>
<tr>
<td>Professional and special services</td>
<td>57,020</td>
<td>35,678</td>
</tr>
<tr>
<td>Memberships</td>
<td>15,000</td>
<td>15,000</td>
</tr>
<tr>
<td>Miscellaneous</td>
<td>5,493</td>
<td>5,966</td>
</tr>
<tr>
<td>Total operating expenses</td>
<td>$11,910,285</td>
<td>$12,281,933</td>
</tr>
<tr>
<td>Operating (loss)</td>
<td>($5,037,591)</td>
<td>($6,074,301)</td>
</tr>
<tr>
<td>Nonoperating revenues (expenses):</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Interest income</td>
<td>1,490,859</td>
<td>1,316,267</td>
</tr>
<tr>
<td>Gain (loss) on investments</td>
<td>135,548</td>
<td>(53,237)</td>
</tr>
<tr>
<td>Net nonoperating revenue</td>
<td>1,626,407</td>
<td>1,263,030</td>
</tr>
<tr>
<td>Change in net assets</td>
<td>($3,411,184)</td>
<td>($4,811,271)</td>
</tr>
<tr>
<td>Net assets, beginning of year</td>
<td>33,955,794</td>
<td>38,767,065</td>
</tr>
<tr>
<td>Net assets, end of year</td>
<td>$30,544,610</td>
<td>$33,955,754</td>
</tr>
</tbody>
</table>

See accompanying notes to financial statements
## COUNTY OF STANISLAUS/CITY OF MODESTO  
**STANISLAUS RESOURCE RECOVERY ACCOUNT**  
**STATEMENTS OF CASH FLOWS**  
**FOR THE FISCAL YEARS ENDED JUNE 30, 2007 AND 2006**

### Cash Flows from Operating Activities

<table>
<thead>
<tr>
<th>Description</th>
<th>2007</th>
<th>2006</th>
</tr>
</thead>
<tbody>
<tr>
<td>Receipts from customers</td>
<td>$6,656,313</td>
<td>$6,104,469</td>
</tr>
<tr>
<td>Payments to suppliers</td>
<td>(11,903,398)</td>
<td>(12,068,807)</td>
</tr>
<tr>
<td><strong>Cash flows from operating activities</strong></td>
<td>(5,247,085)</td>
<td>(5,964,338)</td>
</tr>
</tbody>
</table>

### Cash Flows from Investing Activities

<table>
<thead>
<tr>
<th>Description</th>
<th>2007</th>
<th>2006</th>
</tr>
</thead>
<tbody>
<tr>
<td>Interest receipts</td>
<td>1,650,663</td>
<td>1,182,133</td>
</tr>
<tr>
<td><strong>Cash flows from investing activities</strong></td>
<td>1,650,663</td>
<td>1,182,133</td>
</tr>
<tr>
<td><strong>Net cash flows</strong></td>
<td>(3,596,422)</td>
<td>(4,782,205)</td>
</tr>
</tbody>
</table>

### Cash and Equivalents at Beginning of Year

<table>
<thead>
<tr>
<th>Description</th>
<th>2007</th>
<th>2006</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cash and equivalents at beginning of year</td>
<td>32,647,126</td>
<td>37,429,331</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Description</th>
<th>2007</th>
<th>2006</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cash and equivalents at end of year</td>
<td>$29,050,704</td>
<td>$32,647,126</td>
</tr>
</tbody>
</table>

### Reconciliation of Operating Income (Loss) to Net Cash Provided by Operating Activities:

<table>
<thead>
<tr>
<th>Description</th>
<th>2007</th>
<th>2006</th>
</tr>
</thead>
<tbody>
<tr>
<td>Operating Income (Loss)</td>
<td>($5,037,591)</td>
<td>($6,074,301)</td>
</tr>
<tr>
<td>Adjustments to reconcile operating income to cash flows from operating activities:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Prior period adjustment</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Change in assets and liabilities:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Decrease (increase) in accounts receivable</td>
<td>(216,381)</td>
<td>(103,163)</td>
</tr>
<tr>
<td>Increase (decrease) in accounts payable</td>
<td>6,887</td>
<td>213,126</td>
</tr>
<tr>
<td><strong>Cash Flows from Operating Activities</strong></td>
<td>($5,247,085)</td>
<td>($5,964,338)</td>
</tr>
</tbody>
</table>

See accompanying notes to financial statements.
NOTE 1 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

A. General

The financial statements of the Stanislaus Resource Recovery Account (Waste-To-Energy Enterprise Fund) are prepared in accordance with Generally Accepted Accounting Principles (GAAP). The Waste-To-Energy Enterprise Fund applies all relevant Government Accounting Standard Board (GASB) pronouncements. Proprietary funds apply Financial Accounting Standards Boards (FASB) pronouncements and Accounting Principles Board (APB) opinions issued on or before November 30, 1989, unless those pronouncements conflict or contradict GASB pronouncements, in which case, GASB prevails.

B. Reporting Entity

These financial statements present the financial position and results of operations of the Stanislaus Resource Recovery Account (Waste-To-Energy Enterprise Fund) of the County of Stanislaus (the Fund), created pursuant to the December 17, 1985 Agreement between City of Modesto and County of Stanislaus Relating to Administration of Service Agreement for Supply and Acceptance of Solid Waste. The Fund is administered by the Solid Waste-to-Energy Executive Committee, which consists of two members of the Modesto City Council and two members of the Stanislaus County Board of Supervisors.

Under a related Service Agreement for the Supply and Acceptance of Solid Waste among Stanislaus Waste Energy Company (Covanta Stanislaus), the City of Modesto, and the County of Stanislaus, Covanta Stanislaus operates a Solid Waste Facility which receives, stores and burns acceptable waste and produces electricity for sale. Waste is received from operators approved by the Contracting Communities; electricity is sold to Pacific Gas & Electric Company.

Covanta Stanislaus in turn leases the Solid Waste Facility from the Stanislaus Waste-to-Energy Financing Agency, a Joint Exercise of Powers Agreement between the County of Stanislaus and the City of Modesto which financed the construction of the Solid Waste Facility. Payments under this lease, which terminates in 2010, are secured by revenue received by Covanta Stanislaus from Pacific Gas & Electric Company and the Stanislaus Resource Recovery Account Service Fees.

C. Basis of Accounting

The Fund's Basic Financial Statements are prepared in conformity with accounting principles generally accepted in the United States of America. The Government Accounting Standards Board is the acknowledged standard setting body for establishing accounting and financial reporting standards followed by governmental entities in the U.S.A.

The Fund is accounted for as an enterprise fund because its activities are financed by charges for services and its costs are matched against revenues in determining its financial results.

D. Costs and Revenues

The Contracting Communities establish rates charged to haulers in their areas. The Fund accepts waste from these haulers and bills them monthly based on tonnage received. As part of their franchise agreements, haulers are assessed a per-ton fee for hazardous materials costs and for mandated recycling costs prescribed by AB939. These amounts are passed through by the Fund, which reflects them as operating revenues and expenses.
NOTE 1 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES – (Continued)

Under its Agreement with the Contracting Communities, Covanta Stanislaus credits the Fund for a share of the revenues Covanta Stanislaus receives from Pacific Gas & Electric Company for sales of electricity. Since it is not received in cash, this credit is accounted for by the Fund as a reduction in the cost of operating the Facility.

E. Estimates

The preparation of financial statements in accordance with generally accepted accounting principles requires the use of estimates and assumptions that affect the reported amounts of assets and liabilities and disclosures of contingent assets and liabilities at the date of the financial statements, and reported amounts of revenues and expenses during the reporting periods presented. Actual results may differ from those estimates.

NOTE 2 - CASH AND INVESTMENTS

As a Fund of Stanislaus County, the Fund’s cash and investments comprised approximately 1.08% and 1.36% of the County Treasurer’s Pool, which totaled $2,690,340,328 and $2,402,375,766 at June 30, 2007 and 2006, respectively. Information regarding cash and investments in the County Treasurer’s Pool may be obtained from the County’s Annual Financial Report, which is available from the Auditor-Controller’s Office located at 1010 Tenth Street, Suite 5100, Modesto, CA 95353.

NOTE 3 – RISK MANAGEMENT

The Fund may be exposed to various risks of loss. Under the terms of the Agreement between Covanta Stanislaus and the Contracting Communities, insurance coverage is the responsibility of Covanta Stanislaus, which includes these costs as part of its service fees to the Fund.

NOTE 4 – PAYMENTS TO COVANTA STANISLAUS

Under the Service Agreement above, Covanta Stanislaus is responsible for the operations and maintenance of the Waste-to-Energy Facility including payment of the lease on the Facility. Covanta Stanislaus bills the Fund monthly for these costs, which included the following:

<table>
<thead>
<tr>
<th></th>
<th>2007</th>
<th>2006</th>
</tr>
</thead>
<tbody>
<tr>
<td>Operations &amp; maintenance expense</td>
<td>$10,443,972</td>
<td>$10,002,355</td>
</tr>
<tr>
<td>Pass through costs</td>
<td>3,072,772</td>
<td>3,167,278</td>
</tr>
<tr>
<td>Interest on deposits</td>
<td></td>
<td>(14,873)</td>
</tr>
<tr>
<td>Other</td>
<td>(120,259)</td>
<td>(60,971)</td>
</tr>
<tr>
<td>Less energy credit</td>
<td>(10,657,971)</td>
<td>(9,428,630)</td>
</tr>
<tr>
<td><strong>Net costs billed to the Fund</strong></td>
<td><strong>$2,738,514</strong></td>
<td><strong>$3,665,159</strong></td>
</tr>
</tbody>
</table>

The energy credit above represents the Fund’s portion of the proceeds from electricity sales by Covanta Stanislaus to Pacific Gas & Electric Company.
NOTE 5 - NET ASSETS

The Fund's Net Assets may be used only for Fund purposes, which include the offset of future Fund expenses not covered by Fund revenues.
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MODESTO CITY COUNCIL
RESOLUTION NO. 2008-181

A RESOLUTION REVISIONING THE POSITION CLASSIFICATION PLAN FOR THE CITY OF MODESTO TO ESTABLISH THE CLASSIFICATION OF CITY AUDITOR AND TO AMEND AND RE-TITLE THE CLASSIFICATION OF CITY CLERK/AUDITOR TO CITY CLERK

WHEREAS, a Position Classification Plan for the City of Modesto was adopted by Modesto City Council Resolution No. 88-338 pursuant to Rule 2 of the Personnel Rules and Regulations of the City of Modesto, and

WHEREAS, the Interim City Manager has recommended to the Council amendments to the Position Classification Plan, and

WHEREAS, Rule 2.2 of the City of Modesto Personnel Rules provides that revisions to the Classification Plan shall be effective upon adoption of resolution of the City Council,

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

SECTION 1. CLASSIFICATION CREATED. The Position Classification Plan of the City of Modesto is hereby amended to create the classification of City Auditor. The job specification for this classification is being created to plan, organize, direct and review the activities and operations of the City’s internal audit function including the safeguarding of public assets; to conduct fiscal, performance and operational audits; to provide leadership to the City organization; and to prepare audit reports and recommendations for City Council review. This classification is part of the “unclassified service.” The job specification for the classification of City Auditor, as shown on the attached Exhibit “A,” which is hereby made a part of this resolution by reference, is
hereby approved and made part of the Position Classification Plan of the City of Modesto.

SECTION 2. CLASSIFICATION AMENDED. The Position Classification Plan of the City of Modesto is hereby amended to revise the classification of City Clerk/Auditor. The job specification for this classification is being revised to change the title from City Clerk/Auditor to City Clerk and job duties revised to more accurately reflect the assigned essential functions. The job specification for the classification of City Clerk, as shown on the attached Exhibit “B,” which is hereby made a part of this resolution by reference, is hereby approved and made part of the Position Classification Plan of the City of Modesto.

SECTION 3. EFFECTIVE DATE. This resolution shall become effective on and after April 1, 2008.

The foregoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 1st day of April, 2008, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Lopez, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Hawn, Keating, Lopez, Marsh, O’Bryant, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: SUSANNA ALCALA WOOD, City Attorney

4/1/08/Personnel/BSantos/Item 21 2 2008-181
Class specifications are intended to present a descriptive list of the range of duties performed by employees in the class. Specifications are not intended to reflect all duties performed within the job.

DEFINITION

To plan, organize, direct and review the activities and operations of the City's internal audit function including the safeguarding of public assets; to conduct fiscal, performance and operational audits; to provide leadership to the department and City organization; to coordinate assigned activities with other departments; to prepare audit reports and recommendations for City Council review; and to provide highly responsible and complex administrative support to the City Council.

SUPERVISION RECEIVED AND EXERCISED

Receives policy direction from the City Council.

Exercises direct supervision over assigned supervisory, professional, and administrative support personnel.

ESSENTIAL AND MARGINAL FUNCTION STATEMENTS - Essential and other important responsibilities and duties may include, but are not limited to, the following:

Essential Functions:

Develop, plan, and implement goals and objectives; recommend and administer policies and procedures.

Coordinate Department activities with those of other departments and outside agencies and organizations; provide staff assistance to the Mayor and City Council; prepare and present staff reports and other necessary correspondence.

Direct, oversee and participate in the development of the Department’s work plan; assign work activities, projects and programs; monitor work flow; review and evaluate work products, methods, and procedures.

Supervise and participate in the development and administration of the Auditor's Office budget; direct the forecast of additional funds needed for staffing, equipment, materials and supplies; monitor and approve expenditures; implement mid-year adjustments.

Select, train, motivate and evaluate personnel; provide or coordinate staff training; conduct performance evaluations; implement discipline procedures; maintain discipline and high standards necessary for the efficient and professional operation of the Department.

Exhibit "A"
Essential Functions: (Continued)

Conduct financial, operational and performance audits to determine compliance with laws and the appropriate utilization of resources including public funds, personnel, property, equipment and space to ensure efficiency of operations.

Review system of internal controls confirming the adequacy and effectiveness of the controls and that work is in compliance with applicable professional standards.

Identify causes of inefficiencies or uneconomical practices including inadequacies in management information systems, internal and administrative procedures, organizational structure, use of resources, allocation of personnel, purchasing policies and equipment.

Facilitate the work of external auditors engaged in independent audits and coordinate the implementation of external auditor findings.

Keep current on developments in local government and stay abreast of evolving audit techniques and practices.

Provide timely information and report progress and results of audits to City Council.

Consult with operating departments to recommend appropriate improvements to procedures, review progress on implementing the recommended improvements and ensure action is taken.

Research, prepare and present technical and administrative reports and studies for City Council review; prepare written correspondence.

Build and maintain positive working relationships with City Council, Mayor, members of the Senior Executive Team, co-workers, other City employees and the public using principles of good customer service.

Marginal Functions

Perform related duties as assigned.

MINIMUM QUALIFICATIONS

Knowledge of:

Principles and practices of internal auditing functions and administration within a public agency.

Exhibit “A”
Knowledge of: (Continued)

Complex auditing controls and security systems.

Methods and techniques used in conducting research, financial and operational analysis.

Principles and practices of leadership, motivation, team building and conflict resolution.

Pertinent local, Federal and State laws, codes, and regulations.

Organizational and management practices as applied to the analysis and evaluation of programs.

Principles and practices of municipal budget preparation and administration.

Ability to:

Plan, direct and control the administration and operations of the Auditor’s Office.

Develop and implement department policies and procedures.

Supervise, train and evaluate assigned personnel.

Gain cooperation through discussion and persuasion.

Analyze problems, identify alternative solutions, project consequences of proposed actions and implement recommendation in support of goals.

Identify and respond to City Council issues and concerns.

Communicate clearly and concisely, both orally and in writing.

Establish and maintain cooperative working relationships with those contacted in the course of work.

EXPERIENCE AND TRAINING GUIDELINES:

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Exhibit “A”
Experience:

Five years of increasingly responsible auditing experience involving planning, organizing and independently performing audit tasks for financial audits, compliance audits, operational audits or internal control reviews including two years of administrative and management responsibility. Public sector experience is highly desirable.

Training:

Equivalent to a Bachelor's degree from an accredited college or university with major course work in accounting, finance, public administration, business administration, or a related field.

License or Certificate

Possession of, or ability to obtain, an appropriate, valid California driver's license.

Possession of certification as a Certified Public Accountant (CPA), a Certified Internal Auditor (CIA), or equivalent certification is required.

PHYSICAL AND MENTAL REQUIREMENTS

Mobility: frequent use of keyboard; frequent sitting for long periods of time; occasional bending or squatting. Lifting: frequently up to 10 pounds; occasionally up to 25 pounds. Vision: constant use of overall vision; frequent reading and close-up work; occasional color and depth vision. Dexterity: frequent repetitive motion; frequent writing; frequent grasping, holding, and reaching. Hearing/Talking: frequent hearing and talking, in person and on the phone. Emotional/Psychological: frequent decision-making and concentration; frequent public and/or coworker contact; occasional working alone. Environmental: frequent exposure to noise.

WORKING CONDITIONS

Work is performed in a typical temperature controlled office environment subject to typical office noise and environment. Positions require regular overtime or weekend work and the ability to travel.

<table>
<thead>
<tr>
<th>Class Spec History</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Adopted</td>
<td>4/08</td>
</tr>
<tr>
<td>Revised</td>
<td></td>
</tr>
</tbody>
</table>

Exhibit “A”
CITY OF MODESTO
NO. 1321

CITY CLERK

Class specifications are intended to present a descriptive list of the range of duties performed by employees in the class. Specifications are not intended to reflect all duties performed within the job.

DEFINITION

To plan, organize, direct and review the activities and operations of the City Clerk's Office, including overseeing Council agenda preparation and follow up, municipal code maintenance, publication of legal documents, City bid process and openings, records management, Fair Political Practices compliance, coordination of municipal elections, and mail room functions; to provide leadership to the department and City organization; to coordinate assigned activities with other departments and outside agencies; and to provide highly responsible and complex administrative support to the City Council.

SUPERVISION RECEIVED AND EXERCISED

Receives policy direction from the City Council.

Exercises direct supervision over assigned supervisory, professional, and administrative support personnel.

ESSENTIAL AND MARGINAL FUNCTION STATEMENTS - Essential and other important responsibilities and duties may include, but are not limited to, the following:

Essential Functions:

Develop, plan, and implement Department goals and objectives; recommend and administer policies and procedures.

Coordinate Department activities with those of other departments and outside agencies and organizations; provide staff assistance to the Mayor and City Council; prepare and present staff reports and other necessary correspondence.

Direct, oversee and participate in the development of the Department’s work plan; assign work activities, projects and programs; monitor work flow; review and evaluate work products, methods, and procedures.

Supervise and participate in the development and administration of the City Clerk’s Office budget; direct the forecast of additional funds needed for staffing, equipment, materials and supplies; monitor and approve expenditures; implement mid-year adjustments.

Exhibit "B"
Essential Functions: (Continued)

Select, train, motivate and evaluate personnel; provide or coordinate staff training; conduct performance evaluations; implement discipline procedures; maintain discipline and high standards necessary for the efficient and professional operation of the Department.

Develop and implement long and short-term strategic plans in support of department and Citywide goals and objectives.

Serve as Clerk to the City Council; attend City Council and other public meetings and record all official proceedings; supervise the preparation of minutes and other documents; direct the publication, filing, indexing, and safekeeping of all proceedings of the Council.

Oversee the preparation, organization, printing, distribution, follow up and document processing of all Council and committee agendas for which the City Council serves as the governing board.

Oversee and coordinate elections; train election staff; order and maintain election supplies and equipment.

Review payment options for accuracy including payroll checks, liability, workers’ compensation, vendor payments for goods and services and expense claims; approve and sign checks for accounts payable and payroll items, accept and process wage garnishments, stop notices on city projects, claims and summons, review purchase orders, invoices, and records.

Oversee the inventory, file, and storage of a variety of City records and files, including, but not limited to, Council documents, ordinances, minutes, resolutions, municipal code, deeds, agreements, contracts, claims, campaign statements, statements of economic interest, and other historical documents; plan and direct the maintenance, updating and filing of official municipal documents.

Assist the public and City staff by providing information and research assistance.

Research, prepare and present technical and administrative reports and studies to Council, commissions and a variety of committees; prepare written correspondence.

Build and maintain positive working relationships with Senior Executive Team, Mayor, City Council, co-workers, other City employees and the public using principles of good customer service.

Exhibit “B”
Marginal Functions

Perform related duties as assigned.

MINIMUM QUALIFICATIONS

Knowledge of:

- Principles and practices of election process and political reform requirements.
- Principles and practices of records management within a public agency.
- Principles and practices of leadership, motivation, team building and conflict resolution.
- Pertinent local, Federal and State laws, codes, and regulations.
- Organizational and management practices as applied to the analysis and evaluation of programs.
- Principles and practices of organization, administration and personnel management.
- Principles and practices of budget preparation and administration.

Ability to:

- Plan, direct and control the administration and operations of the City Clerk's Office.
- Prepare and administer department budgets.
- Develop and implement department policies and procedures.
- Supervise, train and evaluate assigned personnel.
- Gain cooperation through discussion and persuasion.
- Analyze and interpret customer requests and needs; organize and provide materials in compliance with laws, regulations, and policies.
- Direct the microfilming/retention/destruction of official records in accordance with applicable laws and regulations.
- Identify and respond to public and City Council issues and concerns.

Exhibit “B”
Ability to: (Continued)

Communicate clearly and concisely, both orally and in writing.

Establish and maintain cooperative working relationships with those contacted in the course of work.

EXPERIENCE AND TRAINING GUIDELINES:

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Experience:

Five years of increasingly responsible experience in complex administrative office work in a City Clerk and Auditor's office, including two years of administrative and management responsibility.

Training:

Equivalent to a Bachelor's degree from an accredited college or university with major course work in public administration, business administration, or a related field.

License or Certificate

Possession of, or ability to obtain, an appropriate, valid California driver's license.

Possession of the Certified Municipal Clerks (CMC) designation is desirable.

PHYSICAL AND MENTAL REQUIREMENTS

Mobility: frequent use of keyboard; frequent sitting for long periods of time; occasional bending or squatting. Lifting: frequently up to 10 pounds; occasionally up to 25 pounds. Vision: constant use of overall vision; frequent reading and close-up work; occasional color and depth vision. Dexterity: frequent repetitive motion; frequent writing; frequent grasping, holding, and reaching. Hearing/Talking: frequent hearing and talking, in person and on the phone. Emotional/Psychological: frequent decision-making and concentration; frequent public and/or coworker contact; occasional working alone. Environmental: frequent exposure to noise.
WORKING CONDITIONS

Work is performed in a typical temperature controlled office environment subject to typical office noise and environment. Positions require regular overtime or weekend work and the ability to travel.

<table>
<thead>
<tr>
<th>Class Spec History</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adopted 7/95</td>
</tr>
<tr>
<td>Revised</td>
</tr>
</tbody>
</table>
MODESTO CITY COUNCIL
RESOLUTION NO. 2008-182

A RESOLUTION AMENDING EXHIBIT "I" OF RESOLUTION NO. 2007-384 AND EXHIBIT "C" OF RESOLUTION NO. 2007-385 TO REVISE THE CLASS RANGE TABLE FOR EXECUTIVE MANAGEMENT TO ESTABLISH A SALARY RANGE FOR CITY AUDITOR AT SALARY RANGE 1414; TO CHANGE THE TITLE OF CITY CLERK/AUDITOR TO CITY CLERK AND TO AMEND THE SALARY RANGE FOR CITY CLERK FROM SALARY RANGE 1410 TO SALARY RANGE 1414.

WHEREAS, the City Council desires to amend Exhibit "I" of Resolution No. 2007-384 and Exhibit "C" of Resolution No. 2007-385, which resolutions approved the Class Range Table for Executive Management Classes,

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

SECTION 1. AMENDMENT TO RESOLUTION NO. 2007-384. Exhibit "I" entitled, "City of Modesto Class Range Table Executive Management Effective June 26, 2007," attached to Resolution No. 2007-384, is hereby amended as shown on Exhibit "A" entitled, "City of Modesto Class Range Table Executive Management Effective April 1, 2008," which is attached hereto and made a part hereof as though set forth in full herein. Said amended Exhibit "A" to this resolution establishes the salary range for City Auditor at range 1414; changes the title of City Clerk/Auditor to City Clerk and amends the salary range for City Clerk from salary range 1410 to salary range 1414.

SECTION 2. AMENDMENT TO RESOLUTION NO. 2007-385. Exhibit "C" entitled, "City of Modesto Class Range Table Executive Management effective June 26, 2007," attached to Resolution No. 2007-385, is hereby amended as shown on Exhibit "A" entitled, "City of Modesto Class Range Table Executive Management effective April 1,
2008," which is attached hereto as Exhibit "A" which is attached hereto and made a part hereof as though set forth in full herein. Said amended Exhibit "A" to this resolution establishes the salary range for City Auditor at range 1414; changes the title of City Clerk/Auditor to City Clerk and amends the salary range for City Clerk from salary range 1410 to salary range 1414.

SECTION 3. EFFECTIVE DATE. This resolution shall become effective on and after April 1, 2008.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on 1st day of April, 2008, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Lopez, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Hawn, Keating, Lopez, Marsh, O’Bryant, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

STEFANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 

SUSANA ALCALA WOOD, City Attorney
<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
</tr>
</thead>
<tbody>
<tr>
<td>1410-1413</td>
<td></td>
</tr>
<tr>
<td>1414</td>
<td>City Auditor</td>
</tr>
<tr>
<td></td>
<td>City Clerk</td>
</tr>
<tr>
<td>1415-1416</td>
<td></td>
</tr>
<tr>
<td>1417</td>
<td>Emergency Dispatch Director</td>
</tr>
<tr>
<td>1418-1419</td>
<td></td>
</tr>
<tr>
<td>1420</td>
<td>Finance Director</td>
</tr>
<tr>
<td></td>
<td>Personnel Director</td>
</tr>
<tr>
<td>1421</td>
<td></td>
</tr>
<tr>
<td>1422</td>
<td>Chief Information Officer</td>
</tr>
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MODESTO CITY COUNCIL
RESOLUTION NO. 2008-183

A RESOLUTION APPROVING A DESIGN SERVICES AGREEMENT WITH HDR ENGINEERING, INC. (HDR) TO PREPARE A PRELIMINARY DESIGN REPORT (PDR) OF DOWNSTREAM WATER IMPROVEMENTS TIER 2-LAPHAM/YOSEMITE/MORTON PIPELINE AND PRESSURE REGULATING VALVES PROJECT IN AN AMOUNT NOT TO EXCEED $394,600, AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, together, the City and the Modesto Irrigation District (MID) have been planning for the expansion of the Modesto Regional Water Treatment Plant (MRWTP) from its existing capacity of 30 million gallons per day (mgd) to 60 mgd, and

WHEREAS, the MRWTP currently treats water from the Modesto Reservoir and conveys it to the City’s service area to combine with groundwater sources to meet the City’s water supply needs, and

WHEREAS, Phase One of the MRWTP began operation in 1995 and significantly reduced the City’s reliance on groundwater pumping and also eliminated the groundwater overdraft condition, and

WHEREAS, this project is needed to provide existing users with a continued reliable water source and keep pace with the City’s projected growth, and

WHEREAS, although MID facilities will soon be capable of conveying the expanded treatment plant capacity of 60 mgd, the City has determined that its existing water system needs additional improvements to fully integrate the expanded MRWTP with the City’s distribution system, and
WHEREAS, the Tier 2 – Lapham-Yosemite-Morton Pipeline & Pressure Regulating Valve improvements are needed to integrate the planned Tier 2 of the MRWTP with the City’s water distribution system, and

WHEREAS, the two (2) miles of pipeline and approximately 20 pressure regulation valves will assist in serving residents of the south, and downtown sections of the City, and

WHEREAS, the Phase Two Expansion, in conjunction with the complete downstream improvements project, will correct existing system deficiencies and help meet future development needs, and

WHEREAS, in accordance with Administrative Directive 3.1, Selection Procedures for Professional Consultants Who Provide Architectural and Engineering Services for Capital Projects, the selection committee determined that HDR Engineering, Inc. (HDR), from Folsom, was deemed the most qualified for the project preliminary design, and

WHEREAS, HDR has completed similar pipeline projects for the City, and City staff is familiar with the high quality of their work, and

WHEREAS, City staff recommends an agreement with the consulting firm of HDR be approved to prepare a Preliminary Design Report (PDR) of Downstream Water Improvements Tier 2-Lapham/Yosemite/Morton Pipeline and Pressure Regulating Valves as the City does not have the staffing level to design this project and current workload levels do not provide for timely in-house solutions/responses, and

WHEREAS, City staff recommends an agreement with HDR to prepare a PDR of Downstream Water Improvements Tier 2-Lapham/Yosemite/Morton Pipeline and
Pressure Regulating Valves project, and will include design documents completed to the 35% level in an amount not to exceed $394,600, and

WHEREAS, the contract for the remaining work will be brought before Council at a later date, and a recommendation will be made to complete the plans and specifications, and

WHEREAS, HDR will be paid on a time and materials basis for actual hours required performing individual tasks at a set rate,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an agreement with HDR Engineering, Inc. to prepare a Preliminary Design Report (PDR) of Downstream Water Improvements Tier 2-Lapham/Yosemite/Morton Pipeline and Pressure Regulating Valves project in an amount not to exceed $394,600.

BE IT FURTHER RESOLVED that the Interim 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 1st day of April, 2008, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Lopez, was upon roll call carried and the resolution adopted by the following vote:

AYES:       Councilmembers:     Hawn, Keating, Lopez, Marsh, O’Bryant, Olsen, Mayor Ridenour

NOES:       Councilmembers:     None

ABSENT:     Councilmembers:     None

ATTEST:     

(SEAL)

APPROVED AS TO FORM:

By       

SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2008-184

A RESOLUTION AMENDING THE CURRENT CAPITAL IMPROVEMENT PROGRAM (CIP) BUDGET BY APPROVING A TRANSFER OF FUNDS IN THE AMOUNT OF $165,000 FROM ACCOUNT 6180-430-W078-6040 “DOWNSTREAM IMPROVEMENTS-ORANGEBURG AVE TRANSMISSION MAIN-SECONDARY” TO CIP ACCOUNT 6180-430-W005-6010 “DOWNSTREAM IMPROVEMENTS TIER 2 PRVS-SECONDARY” IN ORDER TO FULLY FUND THE AGREEMENT WITH HDR ENGINEERING, INC. FOR THE REQUIRED DESIGN SERVICES TO PREPARE THE PRELIMINARY DESIGN REPORT (PDR) OF DOWNSTREAM WATER IMPROVEMENTS TIER 2-LAPHAM/YOSEMITE/MORTON PIPELINE AND PRESSURE REGULATING VALVES PROJECT

WHEREAS, certain budgetary transactions are necessary to fully fund the pressure regulating valves (PRVS) portion of the design services agreement with HDR Engineering, Inc. (HDR) in an amount not to exceed $394,600 to prepare the required Preliminary Design Report (PDR) of Downstream Water Improvements Tier 2 – Lapham/Yosemite/Morton Pipeline and Pressure Regulating Valves project, and

WHEREAS, to fully fund the pressure regulating valves (PRVS) portion of the design services agreement to prepare a Preliminary Design Report (PDR) of Downstream Water Improvements Tier 2 – Lapham/Yosemite/Morton Pipeline and Pressure Regulating Valves project in the not-to exceed amount of $394,600, plus $39,460 for project administration services by City staff, the current Capital Improvement Program (CIP) budget must be amended by transferring $165,000 from Account 6180-430-W078-6040 “Downstream Improvements-Orangeburg Ave Transmission Main-Secondary,” due to low bids, back to CIP Account 6180-430-W425-6052 “Downstream Improvements-Primary,” then from CIP Account 6180-430-W425-6052 “Downstream Improvements-Primary” to CIP Account 6180-430-W005-6010 “Downstream Improvements Tier 2 PRVS-Secondary” in order to fully fund the agreement with HDR Engineering, Inc. for
the required design services to prepare the Preliminary Design Report (PDR) of
Downstream Water Improvements Tier 2 - Lapham/Yosemite/Morton Pipeline and
Pressure Regulating Valves project including staff administration charges,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that it hereby approves the transfer of funds as set forth herein to fully fund the pressure
regulating valves (PRVS) portion of the design services agreement with HDR to prepare
the required Preliminary Design Report (PDR) of Downstream Water Improvements Tier
2 – Lapham/Yosemite/Morton Pipeline and Pressure Regulating Valves project.

BE IT FURTHER RESOLVED that the Finance Director, 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 1st day of April, 2008, by Councilmember Hawn, who
moved its adoption, which motion being duly seconded by Councilmember Lopez, was
upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Hawn, Keating, Lopez, Marsh, O’Bryant, Olsen,
Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

(Stamp)

ATTEST: STEPHANIE LOPEZ, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By

SUSANA ALCALA WOOD, City Attorney