MODESTO CITY COUNCIL
RESOLUTION NO. 2008-075

A RESOLUTION APPROVING AN AMENDMENT TO THE POLICY FOR INVESTMENT OF PUBLIC FUNDS

WHEREAS, pursuant to Section 2-3.401 of the Modesto Municipal Code, it is the function of the City of Modesto ("City") Finance Department to deposit and invest funds in accordance with sound treasury management, and

WHEREAS, the City is also governed by Sections 53600 et seq. of the California Government Code, which requires that local agencies annually adopt an investment policy, and

WHEREAS, the City Council approved a contract on February 3, 2004 with Public Financial Management (PFM), an investment services advisor, to provide investment management, research and supervision of the City’s Managed Funds, and

WHEREAS, a revision has been made to the policy and a copy of the policy is marked Attachment “A”, attached hereto and incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby approves the Amended Policy for Investment of Public Funds.
The foregoing was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of February, 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: 

(Seal)

APPROVED AS TO FORM:

By __________________________

SUSAN ALCALA WOOD, City Attorney

STEFANIE LOPEZ, Acting City Clerk
PURPOSE
The purpose of this document is to identify various policies and procedures that enhance opportunities for a prudent and systematic investment policy and to organize and formalize investment-related activities.

BACKGROUND
Under Section 2-3.401 of the Municipal Code, it is the function of the Finance Department to deposit and invest funds in accordance with sound treasury management. As a charter city, Modesto operates its pooled idle cash investment under the “prudent investor” rule which states that:

“When investing, reinvesting, purchasing, acquiring, exchanging, selling, or managing public funds, a trustee shall act with the care, skill, prudence, and diligence under the circumstances then prevailing, including, but not limited to, the general economic conditions and the anticipated needs of the agency, that a prudent person acting in a like capacity and familiarity with those matters would use in the conduct of funds of a like character and with like aims, to safeguard the principal and maintain the liquidity needs of the agency.”

The City is also governed by Sections 53600 et seq. of the California Government Code. This affords the City a broad spectrum of investment opportunities, so long as the investment is deemed prudent and allowable under current legislation of the State of California and the charter of the City of Modesto.

On an annual basis, the Finance Director/Treasurer will render to the City Council the statement of investment policy. The report will be considered, with any changes, by the City Council at a public meeting.

INVESTMENT REPORT
The Finance Director/Treasurer shall provide the City Council with a monthly report of investment transactions. In addition, the Finance Director/Treasurer shall render a quarterly report to the City Council, City Manager and the internal auditor within 30 days following the end of the quarter. The report shall contain the following:

1. The type of investment, issuer, purchase date, date of maturity, credit rating, overall portfolio yield based on cost, total par and dollar amount invested on all securities, investments
and monies.

2. The weighted average maturity of the portfolio.

3. A description of any funds, investments or programs that are under management of contracted parties, including lending programs. Funds and investments held by contracted parties shall be reported at market value and the source of valuation shall be reported.

4. The market value as of the date of the report, and the source of the valuation.

5. A statement of compliance with the investment policy or manner in which the portfolio is not in compliance.

6. A statement denoting the City’s ability to meet its expenditure requirements for the next six months or provide an explanation as to why sufficient money shall, or may, not be available.

INVESTMENT CRITERIA
Public funds are invested in the following manner in order of priority:

1. **Safety of Principal**
   The duty of the Finance Director/Treasurer is to protect, preserve and maintain cash and investments on behalf of the citizens of the community. To guard against loss of principal, only prudent and safe investments will be considered.

2. **Liquidity**
   The receipt of revenues and maturities of investments should be scheduled so that adequate cash will be available to meet disbursements. An adequate portion of the portfolio should be maintained in liquid short-term instruments which can be readily converted to cash if necessary.

3. **Yield**
   Yield is the potential dollar earnings, or rate of return, an investment can provide. Yield becomes a consideration only after the basic requirements of safety and liquidity have been met.

SAFEKEEPING AND CUSTODY
All security transactions entered into by the City shall be conducted on a delivery-versus payment basis. Securities will be held by third party custodian designated by the Finance Director/Treasurer and evidenced by safekeeping receipts.

The only exception to the foregoing are Local Agency Investment Pools, Certificates of Deposit, and money market funds since the purchased securities are not deliverable. In all cases, purchased securities shall be held in the City’s name.
PERFORMANCE STANDARDS
The investment portfolio shall be designed with the objective of obtaining a rate of return throughout budgetary and economic cycles, commensurate with the investment risk constraints and the cash flow needs. The City will measure the portfolio's performance against a market benchmark that is commensurate with the City's investment risk constraints and the cash flow characteristics of the portfolio.

AUTHORIZED INVESTMENTS
Commencing with Section 53601 of Article 1, Chapter 4 of the Government Code of the State of California, surplus money may be invested in the following:

A. City of Modesto bonds. Bonds issued by the City.

B. U.S. Treasury securities. United States Treasury notes, bonds, bills or certificates of indebtedness or those for which the faith and credit of the United States are pledged for the principal and interest.

C. State of California securities. Registered State of California warrants, treasury notes or bonds, provided that the securities are rated AAA by a nationally recognized statistical rating agency.

D. California municipal securities. Bonds, notes, warrants or other evidence of indebtedness of any local agency within California, provided that the securities are rated AAA by a nationally recognized statistical rating agency.

E. Federal Agency securities. Obligations issued by a federal agency or United States government-sponsored enterprise.

F. Bankers' Acceptances. Bankers' Acceptances issued by domestic or foreign banks, which are eligible for purchase by the Federal Reserve System, the short-term paper of which is rated in the highest category by a nationally recognized statistical rating agency.

Purchases of Bankers' Acceptances may not exceed 180 days maturity or 40 percent of the City's surplus money. The maximum amount permitted to be invested in the Banker's Acceptances of any one commercial bank is the greater of 10 percent of the City's surplus funds or $1 million.

G. Commercial Paper. Commercial paper of "prime" quality of the highest ranking or of the highest letter and number rating as provided for by a nationally recognized statistical-rating organization. The entity that issues the commercial paper shall meet all of the following conditions in either paragraph (1) or paragraph (2):
ATTACHMENT A

(1) The entity meets the following criteria: (a) is organized and operating within the United States as a general corporation. (b) Has total assets in excess of $500 million. (c) Has debt other than commercial paper, if any, that is rated "A" or higher by a nationally recognized statistical-rating organization (NRSRO).

(2) The entity meets the following criteria: (a) is organized within the United States as a special purpose corporation, trust, or limited liability company. (b) Has program wide credit enhancements including, but not limited to, over collateralization, letters of credit, or surety bond.

Investments in commercial paper are limited to a maximum of 25% of the portfolio. Purchases shall not exceed 10 percent of the outstanding paper of the issuing corporation. The maximum investment maturity is restricted to 270 days.

H. Certificates of Deposit. FDIC insured or fully collateralized time certificates of deposit in financial institutions located in California. Eligible investments are restricted to those issuing institutions that have been in business at least five years. The maximum term for deposits shall be one year. Investments in certificates of deposit are further limited to 20% of surplus funds. All time deposits must be collateralized in accordance with California Government Code section 53561. The City, at its discretion, may waive the collateralization requirements for any portion of the deposit that is covered by federal insurance.

I. Negotiable Certificates of Deposit. Negotiable certificates of deposit issued by a nationally- or state-chartered bank or a state or federal savings and loan association or by a state-licensed branch of a foreign bank; provided that the senior debt obligations of the issuing institution are rated "AA" or better by Moody's or Standard & Poor's. Investments in negotiable certificates of deposit are limited to 30 percent of the portfolio.

J. Repurchase Agreements. Repurchase Agreements used solely as short-term investments not to exceed 90 days.

The following collateral restrictions will be observed: Only U.S. Treasury securities or Federal Agency securities as described in 1 and 2 will be acceptable collateral. All securities underlying Repurchase Agreements must be delivered to the City's custodian bank versus payment or be handled under a tri-party repurchase agreement. The total of all collateral for each Repurchase Agreement must equal or exceed, on the basis of market value plus accrued interest, 102 percent of the total dollar value of the money invested by the City for the term of the investment. For any Repurchase Agreement with a term of more than one day, the value of the underlying securities must be reviewed on a regular basis.

Market value must be calculated each time there is a substitution of collateral.

The City or its trustee shall have a perfected first security interest under the Uniform Commercial Code in all securities subject to Repurchase Agreement.
ATTACHMENT A

The City may enter into Repurchase Agreements with (1) primary dealers in U.S. Government securities who are eligible to transact business with, and who report to, the Federal Reserve Bank of New York, and (2) California and non-California banking institutions having assets in excess of $1 billion and in the highest short-term rating category as provided by Moody's Investors Service, Inc. or Standard & Poor's Corporation.

The City will have specific written agreements with each firm with which it enters into Repurchase Agreements.

K. Reverse Repurchase Agreements. The City may invest in reverse repurchase agreements only with "primary dealers" with which the City has entered into a master repurchase agreement contract. The City may invest in reverse repurchase agreements with the following conditions: The City may only use reverse repurchase agreements to (1) cover a temporary cash shortage, or (2) augment earnings. Reverse repurchase agreements may not be used to leverage the portfolio.

In addition, if a reverse repurchase agreement is authorized, it may be utilized only if the security to be sold on reverse repurchase agreement has been owned and fully paid for by the City for a minimum of 30 days prior to the sale; the total of all reverse repurchase agreements on investments owned by the City does not exceed 20% of the portfolio; and the agreement does not exceed a term of 92 days, unless the agreement includes a written codicil guaranteeing a minimum earning or spread for the entire period between the sale of the security using a reverse repurchase agreement and the final maturity date of the same security. The proceeds of the reverse repurchase agreement may not be invested in securities whose maturity exceeds the term of the Reverse Repurchase Agreement.

L. Medium-term corporate notes. Medium-term corporate notes defined as all corporate and depository institution debt securities with a maximum remaining maturity of five years or less, issued by corporations organized and operating within the United States or by depository institutions licensed by the U.S. or any state and operating within the U.S. Medium-term notes shall be rated in a rating category "AA-" or its equivalent or better by a nationally recognized rating service. Purchase of medium-term corporate notes may not exceed 30 percent of the City's investment portfolio.

M. Money market funds. Shares of beneficial interest issued by diversified management companies that are money market funds registered with the Securities and Exchange Commission under the Investment Company Act of 1940 (money market funds).

N. State of California Local Agency Investment Fund (LAIF).

O. Mortgage and asset-backed securities. Any mortgage pass-through security, collateralized mortgage obligation, mortgage-backed or other pay-through bond, equipment lease-backed certificate, consumer receivable-backed bond that has been issued by a Federal Agency and has a maximum of five years maturity.
P. California Asset Management Program (CAMP)

MAXIMUM MATURITY
Investment maturities shall be based on a review of cash flow forecasts. Maturities will be scheduled so as to permit the City to meet all projected obligations.

Maximum maturity of an authorized investment is limited to five years.

Proceeds of sales or funds set aside for the repayment of any notes (e.g., Tax and Revenue Anticipation Notes) shall not be invested for a term that exceeds the term of the notes.

INELIGIBLE INVESTMENTS
Any security type or structure not specifically approved by this policy is hereby specifically prohibited. Security types which are thereby prohibited include, but are not limited to,

- Investment in inverse floaters, range notes, or interest only strips that are derived from a pool of mortgages is prohibited.
- Investment in any security that could result in a zero interest accrual if held to maturity is prohibited.

RESTRICTIONS SET BY THE FINANCE DIRECTOR/TREASURER
A. Prior approval of the Finance Director/Treasurer is required for the following transactions, unless the City utilizes the services of an investment advisor registered with the Securities and Exchange Commission in a fiduciary relationship as outlined in this policy.

- Sale of securities
- Swaps and trades
- Purchase of collateralized mortgage obligations (CMO)
- Purchase of mortgage-backed obligations
- Purchase of corporate notes
- Purchase transaction in excess of $3 million

B. The following investments are not deemed appropriate for the City and will not be utilized:

- Futures and options
- Small Business Administration notes

AUTHORIZED INVESTMENT PERSONNEL
Pursuant to the Government Code, the City Council delegates the authority to invest or to reinvest funds, or to sell or exchange securities so purchased, to the Finance Director/Treasurer for a one-year period. The Finance Director/Treasurer is charged with the responsibility for carrying out the policies of the City Council and shall assume full responsibility for investment transactions until the delegation of authority is revoked or expires.

Idle cash management and investment transactions are the responsibility of the Finance Department, which is under the control of the Finance Director/Treasurer. The Finance Director/Treasurer may designate an individual(s) ["Designee"] to be responsible for the daily management of the City’s portfolio of treasury investments. The Designee may also be directed to monitor and forecast the City’s cash flows, and prepare periodic investment reports that are submitted to the City Council. The Accounting Division of the Finance Department monitors all treasury transactions and prepares accounting records of all investment transactions as to type of investment, amount, yield, and maturity. No other person has authority to make investment transactions without the written authority of the Finance Director/Treasurer. Pursuant to Government Code chapter 53600, all persons investing monies are trustees and therefore fiduciaries subject to the prudent investor standard. Financial market security transactions will be executed by delivery versus payment and the securities will be held by a third party custodian.

Subject to required procurement procedures, the City may engage the support services of outside professionals in regard to its financial program, so long as it can be demonstrated or anticipated that these services produce a net financial advantage or necessary financial protection of the City’s resources.

**POLICY REVIEW**

The investment policy shall be adopted by resolution of the City Council on, at minimum, an annual basis. This investment policy shall be reviewed at least annually to ensure its consistency with the overall objectives of preservation of principal, liquidity and yield, and its relevance to current law and financial and economic trends. Any amendments to the policy shall be forwarded to City Council for approval.

This policy and the internal controls related to the investment of City funds will be reviewed by the City’s independent external auditors as part of their annual audit of the City’s financial statements.
Bankers Acceptances (BAs)
Bankers Acceptance is a time bill of exchange drawn on and accepted by a commercial bank to finance the exchange of goods. When a bank "accepts" such a bill, the time draft becomes, in effect, a predated certified check payable to the bearer at some future specified date. Little risk is involved for the investor because the commercial bank assumes primary liability once the draft is accepted.

California Asset Management Program (CAMP)
CAMP is a Joint Powers Authority ("JPA") designed to assist public agencies with their investment needs through the use of the Cash Reserve Portfolio ("Pool"), which is rated "AAAm" by Standard & Poor's, its highest rating category. The Pool seeks to attain a high level of current income consistent with the preservation of principal.

Certificates of Deposit (CDS)
A certificate of deposit is issued against funds deposited in a commercial bank for a definite period of time and earning a specified rate of return. They are issued in two forms, negotiable and non-negotiable:

A negotiable certificate of deposit may be sold by one holder to another prior to maturity. This is possible because the issuing bank agrees to pay the amount of the deposit, plus earned interest, to the Bearer of the certificate at maturity.

A non-negotiable certificate of deposit is collateralized and is not a money market instrument since it cannot be traded in the secondary market. It is issued on a fixed maturity basis and often pays a higher interest rate than is permissible on other savings or time deposit accounts.

Collateralized Mortgage Obligation (CMO)
A CMO is a pool of mortgages sold as a single investment with interest paid monthly, quarterly, or semi-annually. Mortgage securities pay a higher rate than U.S. Treasury securities due to risk of prepayment and default.

Commercial Paper (CP)
This is a short-term promissory note issued by a corporation to raise working capital. The interest rates tend to be higher than other investments of similar liquidity.

Derivatives
A financial instrument with a value derived from the value of one or more underlying assets or indexes of asset values. The term "derivative products" refers to instruments or features such as collateralized mortgage obligations (CMOs), interest-only (I0s) and principal-only (POs), forwards, futures, currency and interest rate swaps, options, floaters/inverse floaters, and caps/floors/collars.
Federal Agency Securities
Certain agencies created by Congress and sponsored by the federal government issue debt that is considered to be of prime quality and have a very high standing in the bond market. The major federal agencies are described as follows:

Federal National Mortgage Association (FNMA, "Fannie Mae") provides funds to the mortgage market primarily by purchasing loans from local lenders.

Federal Home Loan Mortgage Corporation (FHLMC, "Freddie Mac") purchases conventional mortgages and sells mortgage-backed securities.

Student Loan Marketing Association (SLMA, "Sallie Mae") facilitates that flow of private capital into various federally-guaranteed student loan programs maintained through banks, S&Ls, educational institutions and other participating lenders.

Federal Farm Credit System (FFCB) sells securities to provide mortgage loans and short-term and intermediate-term credit to farmers, ranchers, and agricultural cooperatives.

Federal Home Loan Bank (FHLB) acts as a credit reserve system for the thrift industry to stabilize the flow of funds to member savings and loan and savings banks.

Futures
Exchange traded contracts specifying a future date of delivery or receipt of a specific product (physical commodity or financial instrument). Futures are used by business as a hedge against unfavorable price changes, and by speculators who hope to profit from such changes.

Local Agency Investment Fund (LAIF)
State of California LAIF is designed to provide a convenient and safe means of investing temporarily idle monies by the State Treasurer. LAIF provides high liquidity and generally pays higher yields than can be realized by individual local agencies (for similar maturities) due to economies of scale.

Medium-Term Notes
Issued by corporations (in the form of secured or unsecured debt) for the purpose of raising working capital and purchasing capital assets.

Options
A right to buy (call) or sell (put) a fixed amount of a given stock at a specified price within a limited period of time. The purchaser hopes that the stock’s price will go up (if he bought a call) or down (if he bought a put) by an amount sufficient to provide a profit when he sells the option. If the price is static or moves in the opposite direction, the price paid for the option is lost entirely.

Repurchase Agreement
As authorized in Government Code Section 5360i(1), these investment vehicles are (generally
short-term) agreements between the local agency and seller for the purchase of Government securities to be resold at a specific date and for a specific amount.

**Reverse Repurchase Agreement**
This transaction is the opposite of a repurchase agreement. The dealer buys securities with a contractual agreement to sell them back at a prearranged date. The local agency pays the dealer’s interest for the use of the funds. The money “borrowed” on a “reverse repo” can be reinvested in higher yielding instruments.

**U.S. Treasury Securities**
The highest quality, most liquid debt investments available in the fixed income marketplace; unconditionally backed by the “full faith and credit” of the U.S. Government. Treasury bills are short-term instruments (maturity of three months to one year); Treasury notes and bonds are currently issued with maturities of two to ten years.
MODESTO CITY COUNCIL
RESOLUTION NO. 2008-076

A RESOLUTION APPROVING AN APPROPRIATION FUND TRANSFER AND AMENDING THE FY 07-08 OPERATING BUDGET TO TRANSFER $80,000 FROM MODESTO POLICE DEPARTMENT ASSET FORFEITURE ACCOUNT, IN THE CITY TRUST FUND 8600-3410 TO INFORMATION TECHNOLOGY RESERVE ACCOUNT 7130-070-0742-5400 AND $40,000 FROM INFORMATION TECHNOLOGY RESERVE ACCOUNT 7130-800-8000-8003 TO INFORMATION TECHNOLOGY RESERVE ACCOUNT 7130-070-0742-5400 TO FUND THE PREVIOUSLY ADOPTED COMPUTER AIDED DISPATCH SYSTEM (CAD) FOR PUBLIC SAFETY IN AND AMOUNT NOT TO EXCEED $120,000

WHEREAS, on July 10, 2007, the City Council by Resolution No. 2007-426, authorized the award of proposed contract for an Integrated Public Safety System/Computer Aided Dispatch (CAD) to IPC Command Systems, Inc., and

WHEREAS, a Document Management System (DMS) was identified as an optional component for the Modesto Police Department’s Records Management Division, and would be purchased and implemented at a later date, upon funding approval, and

WHEREAS, the Modesto Police Department and the Information Technology Department are now seeking to exercise the option to purchase the DMS for the Integrated Public Safety System, and

WHEREAS, funds have now been identified to exercise this option, and

WHEREAS, $80,000 will be funded from the Modesto Police Department Asset Forfeiture Account, in the City Trust Fund 8600-3410, and

WHEREAS, $40,000 will be funded from the Information Technology Reserve Account 7130-800-8000-8003, and

WHEREAS, the funds will be transferred into the Information Technology Reserve Account 7130-070-0742-5400,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a fund transfer and amends the FY 07-08 Operating Budget to transfer $80,000 from Modesto Police Department Asset Forfeiture Account, in the City Trust Fund 8600-3410 to Information Technology Reserve Account 7130-070-0742-5400 and $40,000 from Information Technology Reserve Account 7130-800-8000-8003 to Information Technology Reserve Account 7130-070-0742-5400 to fund the previously adopted Computer Aided Dispatch System (CAD) for Public Safety.

BE IT FURTHER RESOLVED that the Finance Director, or his designed, 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 5th day of February, 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

(SEAL)

APPROVED AS TO FORM:

By: 

SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2008-077

A RESOLUTION APPROVING THE CREATION OF AN INTERFUND LOAN BETWEEN THE MODESTO POLICE DEPARTMENT ASSET FORFEITURE ACCOUNT, IN THE CITY TRUST FUND, 8600-3410 AND INFORMATION TECHNOLOGY RESERVE ACCOUNT, 7130-800-8000-8003 IN THE AMOUNT OF $40,000 TO REPAY IN FY 08-09 FOR THE PURCHASE OF A DOCUMENT MANAGEMENT SYSTEM (DMS)

WHEREAS, on July 10, 2007, the City Council by Resolution No. 2007-426, authorized the award of proposed contract for an Integrated Public Safety System/Computer Aided Dispatch (CAD) to IPC Command Systems, Inc., and

WHEREAS, a Document Management System (DMS) was identified as an optional component for the Modesto Police Department’s Records Management Division, and would be purchased and implemented at a later date, upon funding approval, and

WHEREAS, the Modesto Police Department and the Information Technology Department are now seeking to exercise the option to purchase the DMS for the Integrated Public Safety System, and

WHEREAS, funds have now been identified to exercise this option, and

WHEREAS, $80,000 will be funded from the Modesto Police Department Asset Forfeiture Account, in the City Trust Fund 8600-3410, and

WHEREAS, $40,000 will be funded from the Information Technology Reserve Account 7130-800-8000-8003, and

WHEREAS, the funds will be transferred into the Information Technology Reserve Account 7130-070-0742-5400, and
WHEREAS, the creation of an interfund loan between the Modesto Police Department Asset Forfeiture Account, in the City Trust Fund 8600-3410 and Information Technology Reserve Account, 7130-800-8000-8003 will be established, and

WHEREAS, $40,000 funded from the Information Technology Reserve Account 7130-800-8000-8003 will be repaid with interest for the purchase of a document management system,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an interfund loan between the Modesto Police Department Asset Forfeiture Account, in the City Trust Fund 8600-3410 and Information Technology Reserve Account, 7130-800-8000-8003 in the amount of $40,000 to be repaid in FY 08-09 for the purchase of a document management system (DMS).

BE IT FURTHER RESOLVED that the Finance Director, or his designed, 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 5th day of February, 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: 

STEWART

SUSANA ALCALA WOOD, City Attorney

APPROVED AS TO FORM:

By: 

SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2008-078

A RESOLUTION AUTHORIZING THE AWARD OF BID AND CONTRACT FOR THE DEMOLITION OF THE CITY-OWNED BUILDING AT 800 E. MORRIS AVENUE IN MODESTO TO DON LAWLEY COMPANY, INC., STOCKTON, CA, FOR AN ESTIMATED TOTAL COST OF $58,848, AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, on October 14, 2007, firefighters responded to a fire at the old John Muir School (Modesto Community Service Center) at 800 E. Morris Avenue in T.B. Scott Park. The fire destroyed the building and most of its contents, primarily historical artifacts stored on the second floor, leaving the brick walls and little else, and

WHEREAS, staff immediately addressed the emergency presented by the unstable structure. Fencing was ordered to secure the site at a cost of $1,617 for six months and a security service was put in place at a cost of $12,028 per month. The security service will continue to be on site on 24 hours per day, seven days per week until the walls come down, and

WHEREAS, the City’s Risk Manager arranged to have the City’s insurance company come out to view the site and take pictures, and MID and PG&E were notified to disconnect their services, and the electrical connections for the irrigation timers at the park were moved, and

WHEREAS, the Chief Building Official for the City stated that the building was not safe to occupy and wrote a letter stating so, and

WHEREAS, staff acquired a partial permit from the Air Quality Board stating that the walls could be knocked down and the brick recycled. Once this process has been completed staff will need to apply for the next phase of the permit and then complete the abatement, and
WHEREAS, a work plan titled “Asbestos Work Plan” was developed to assist the contractor in the process of debris removal, a copy of which is attached as Exhibit “A” and incorporated herein by reference, and

WHEREAS, demolition will be a two-step process. First, the brick walls will be taken down in accordance with the work plan. This process is estimated to take two weeks. Once the brick walls have been removed from the site, the fence will be moved in closer to the building and security will be released, and

WHEREAS, since all insurance inspections are completed and bids for the demolition have been obtained, it is now appropriate to move forward with the demolition of the building as described in the attached Asbestos Work Plan, and

WHEREAS, quotes for the demolition of the building were requested from three qualified companies, and as of January 11, 2008, three companies responded as follows:

<table>
<thead>
<tr>
<th>Company</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Don Lawley Company, Inc.</td>
<td>$58,848.00</td>
</tr>
<tr>
<td>Modesto Sand and Gravel</td>
<td>$69,137.00</td>
</tr>
<tr>
<td>Bowen Engineering and Environmental</td>
<td>$133,000.00</td>
</tr>
</tbody>
</table>

and

WHEREAS, based on being the lowest bidder, staff recommends award of proposal and contract to Don Lawley Company, Inc., Stockton, CA, for a total estimated cost of $58,848, 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, and

WHEREAS, the award of proposal and contract for the demolition of the City-owned building at 800 E. Morris Avenue in Modesto to Don Lawley Company, Inc. of Stockton, CA, conforms to the Modesto Municipal Code, and
WHEREAS, Organization 3020 was established in FY 07-08 for the purpose of tracking expenses related to the fire and subsequent related actions, and

WHEREAS, this organization is in Agency 300, which also covers the Parks, Recreation and Neighborhoods Department's Administration, and

WHEREAS, although Organization 3020 has a zero budget, any expenditures will be reimbursed through the insurance settlement,

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 demolition of the City-owned building at 800 E. Morris Avenue in Modesto to Don Lawley Company, Inc., Stockton, CA, for a total estimated cost of $58,848.

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 5th day of February, 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
ASBESTOS WORK PLAN

800 East Morris Avenue, Modesto, CA 95350

12/20/07
This work plan has been prepared by the City of Modesto for the demolition of the structure at 800 East Morris Avenue, Modesto, CA 95350. The attached Asbestos Survey Report confirms or denies the existence of asbestos in suspected building materials that has been impacted by the fire and will be impacted during the demolition of the structure. Asbestos Survey is a requirement of the United States Environmental Protection Agency (EPA) in the National Emissions Standards for Hazardous Air Pollutants (NESHAP) 40 CFR and the San Joaquin Valley Unified Air Pollution Control District.

A work plan is required by the Division of Occupational Safety (Cal/OSHA) and Federal OSHA. This work Plan was prepared by a Certified Asbestos Project Designer.

PROPERTY DESCRIPTION

The building at 800 East Morris was originally built as a school building in 1923. The City purchased the property in 1953 to be used as a community service building. Since that time the building has been decommissioned and the structure has been used for storage only. The building caught fire on 10/14/07 burning interior walls, ceilings and roof structure. The perimeter unreinforced brick walls and interior walls remained. On 10/15/07 the Chief Building Official of the City of Modesto deemed this building is structurally unsafe and must not be occupied. The building is a 15,000 square foot two story building built in 1923 built in the style of elementary school buildings of that era. A boiler located in the basement of the structure heated the building. The recent fire has contaminated the fire debris and remaining brick exterior walls with asbestos previously identified in this building.

SCOPE OF WORK

The decontamination of the existing bricks, removing of asbestos contaminated fire debris along with remaining footprint of building in this scope of work will be as follows:

1. Remove contaminated fire debris around the perimeter of structure dispose of debris in approved lined and marked bins.
2. Construct a cofferdam to collect all wash water used in the decontamination of bricks.
3. Filter recovered water using a three-stage filtration system down to 5 microns prior to disposal.
4. Decontaminate bricks with a stream of water washing existing brick walls from top to bottom.
5. Bring down brick walls way from contaminated debris.
6. Clean and stack salvaged bricks on pallets as per agreement with the City. Bricks are to be handled as per NESHAP guidelines.
7. Remove contaminated fire debris and remaining walls of structure.
8. Remove previously identified 9" and 12" VFT remaining tiles as per attached floor plan.
9. Pump out water in basement area and run through three-stage 5-micron filtration system.
10. Remove Boiler and all TSI including piping, gaskets pipe wrap and Aircell material.
11. Remove all concrete foundation and basement, fill with clean soil and compact as per city agreement.

**GENERAL REQUIREMENTS**

1. Except as amended here or in the scope of work, the attached asbestos general requirements shall be followed.

2. Only qualified contractors and properly trained and certified abatement personnel shall be used to perform the work.

3. All documentation in regards to requirement number two will be presented to the project monitor before commencing the work. This documentation will include but is not necessarily limited to contractor licensing, insurance, training certificates of personnel, current medical certificates for abatement personnel who will be required to wear negative pressure respirators, and a foreman or on-site contractor representative who is trained in the provisions of NESHAP.

4. Contractor will at all time follow all applicable state, federal, and local laws and Regulations pertaining to asbestos abatement and proper disposal of waste materials both hazardous and non-hazardous.

5. The contractor shall provide all necessary equipment, tools, materials, lighting, power labor, water etc. to perform the work.

6. All HEPA equipment to be used on the project must be delivered to the site empty of all debris, clean and free of dust, and in full operating condition. At least one vacuum shall be DOP tested prior to the job in the event that vacuuming inside the building is required.

7. The contractor shall provide worker safety according to all OSHA regulations (Title 8), including use of tie-offs, harnesses, and lanyards. Particular attention shall be given to the placement and securing of accesses (ladders, etc.) to the roof

**PRE-ABATEMENT PREPERATION REQUIREMENTS**

8. Poly sheeting shall be placed on the ground directly below the work area extending out from the perimeter of the building at least 10 feet. The contractor shall secure the poly to the ground using tape, weights, or other means to secure the poly from being picked up by wind or becoming a tripping hazard.

9. The perimeter of the building, where removal is to be conducted, shall be posted with barrier tape at a distance of at least 10 feet from the edge of the poly sheathing used around the perimeter of building. This barrier tape will provide a buffer zone, and assist in the restriction of non-abatement personnel at ground level from falling objects.
BINS AND WASTE BIN PREPARATIONS

10. The contractor shall be required to place footing materials of sufficient thickness, strength and size under the casters, footings, and/or runners of waste bin(s) to prevent damage of property surfaces.

11. The contractor is responsible for all damages to Owner's property caused by the delivery, placement, or removed of a waste bin. Damaged property shall be repaired to equal or better condition than was present prior to the activity causing the damage. This section may be amended in the "Scope of Work" for this project.

12. All waste shall be sufficiently wetted with amended water to prevent fiber release. If fiber release cannot be prevented then the chute and bin must be within a negative pressure enclosure.

POSTING AND LABEL REQUIREMENTS

Regulated Area Entry Points

Access to a regulated area shall be posted as outlined by CAL OSHA Title 8, 1529 (k) (7) (B) 1 and 2 with warning signs bearing the following information:

DANGER
ASBESTOS
CANCER AND LUNG DISEASE HAZARD
AUTHORIZED PERSONNEL ONLY
RESPIRATORS AND PROTECTIVE CLOTHING ARE REQUIRED IN THIS AREA

Waste Bin Perimeters

Perimeters of waste bin(s) shall be posted as specified by CAL OSHA Title 8, 1529 (K) (7) (B) 1 and 2 with barrier tape bearing the following information: to warn non-abatement personnel of the restricted access, and the potential hazard which exists in the vicinity of the waste bin(s)

DANGER
ASBESTOS
CANCER AND LUNG DISEASE HAZARD
AUTHORIZED PERSONNEL ONLY
RESPIRATORS AND PROTECTIVE CLOTHING ARE REQUIRED IN THIS AREA

Building Perimeter

Building perimeters shall be posted with barrier tape bearing one of the following descriptions:
a. CAUTION in black letters on a solid yellow background.
b. DANGER in black letters on a solid red background.
c. DANGER ASBESTOS HAZARD in black letters on a solid red background.

WASTE MATERIAL CONTAINERS

Waste Material Containers, including the “burrito wrapped” material, shall have warning labels affixed in accordance with CAL OSHA Title 8,1529 (k) (8) (A-D).

DANGER
CONTAINS ASBESTOS FIBERS
AVOID CREATING DUST
CANCER AND LUNG DISEASE HAZARD

The owner's Contractor will have a responsible person on site trained in the provisions of NESHAP, during the preparation and demolition of the building. City of Modesto's representative at their option may request to verify the methods used by Contractor to comply with this work plan.

WASTE DISPOSAL AND DOCUMENTATION REQUIREMENTS

The roofing material may be disposed as a non-hazardous waste in a landfill which is permitted to accept non-friable, non-hazardous asbestos roofing material. If the asbestos roofing material is currently friable, or becomes friable during its removal, it shall be disposed of, in a permitted landfill for friable asbestos waste.

It is acceptable to dispose of bagged or sealed roofing waste into 6 mil double lined open topped dumpsters. The contractor shall completely enclose all roofing waste material commonly known as "burrito wrapped" in the dumpster using 6 mil poly. Upon being lowered, unwrapped material shall be transferred to a closed receptacle in such a manner as to preclude the dispersion of dust. In addition to the 6 mil poly, the top of the dumpster shall be completely enclosed with a tarp which is secured to the vehicle for transport or storage on-site if left overnight. The type of material for the tarp shall meet all requirements for transport of hazardous materials.

See attachments A- Floor plan
B- Asbestos Survey Report dated 10/24/90 and 3/30/05

Ken Horrillo
Environmental Review Specialist
City of Modesto
MODESTO CITY COUNCIL
RESOLUTION NO. 2008-079

A RESOLUTION AMENDING THE FISCAL YEAR 2007-08 OPERATING BUDGET TO APPROPRIATE $58,848 FROM 0100-800-8000-8003, GENERAL FUND RESERVE TO 0100-300-3020-0235, 800 E. MORRIS DEMOLITION, PROFESSIONAL SERVICES TO FUND THE DEMOLITION OF THE CITY-OWNED BUILDING AT 800 E. MORRIS AVENUE IN MODESTO

WHEREAS, on October 14, 2007, firefighters responded to a fire at the old John Muir School (Modesto Community Service Center) at 800 E. Morris Avenue in T.B. Scott Park. The fire destroyed the building and most of its contents, primarily historical artifacts stored on the second floor, leaving the brick walls and little else, and

WHEREAS, staff immediately addressed the emergency presented by the unstable structure. Fencing was ordered to secure the site at a cost of $1,617 for six months and a security service was put in place at a cost of $12,028 per month. The security service will continue to be on site on 24 hours per day, seven days per week until the walls come down, and

WHEREAS, the City’s Risk Manager arranged to have the City’s insurance company come out to view the site and take pictures, and MID and PG&E were notified to disconnect their services, and the electrical connections for the irrigation timers at the park were moved, and

WHEREAS, the Chief Building Official for the City stated that the building was not safe to occupy and wrote a letter stating so, and

WHEREAS, staff acquired a partial permit from the Air Quality Board stating that the walls could be knocked down and the brick recycled. Once this process has been completed staff will need to apply for the next phase of the permit and then complete the abatement, and
WHEREAS, a work plan titled “Asbestos Work Plan” was developed to assist the contractor in the process of debris removal, and

WHEREAS, since all insurance inspections are completed and bids for the demolition have been obtained, it is now appropriate to move forward with the demolition of the building as described in the attached Asbestos Work Plan, and

WHEREAS, quotes for the demolition of the building were requested from three qualified companies, and as of January 11, 2008, three companies responded as follows:

<table>
<thead>
<tr>
<th>Company</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Don Lawley Company, Inc.</td>
<td>$58,848.00</td>
</tr>
<tr>
<td>Modesto Sand and Gravel</td>
<td>$69,137.00</td>
</tr>
<tr>
<td>Bowen Engineering and Environmental</td>
<td>$133,000.00</td>
</tr>
</tbody>
</table>

and

WHEREAS, based on being the lowest bidder, staff recommends award of proposal and contract to Don Lawley Company, Inc., Stockton, CA, for a total estimated cost of $58,848, and

WHEREAS, Organization 3020 was established in FY 07-08 for the purpose of tracking expenses related to the fire and subsequent related actions, and

WHEREAS, this organization is in Agency 300, which also covers the Parks, Recreation and Neighborhoods Department’s Administration, and

WHEREAS, Organization 3020 has a zero budget, and there is not sufficient funding in place to cover the expenses of the demolition, and

WHEREAS, any expenditures will be reimbursed through the insurance settlement,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Fiscal Year 07-08 operating budget to appropriate
$58,848 from 0100-800-8000-8003, General Fund Reserve, to 0100-300-3020-0235, 800 E. Morris Demolition, Professional Services, to fund the demolition of the City-owned building at 800 E. Morris Avenue in Modesto.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of February, 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
ASBESTOS WORK PLAN
800 East Morris Avenue, Modesto, CA 95350

This work plan has been prepared by the City of Modesto for the demolition of the structure at 800 East Morris Avenue, Modesto, CA 95350. The attached Asbestos Survey Report confirms or denies the existence of asbestos in suspected building materials that has been impacted by the fire and will be impacted during the demolition of the structure. Asbestos Survey is a requirement of the United States Environmental Protection Agency (EPA) in the National Emissions Standards for Hazardous Air Pollutants (NESHAP) 40 CFR and the San Joaquin Valley Unified Air Pollution Control District. A work plan is required by the Division of Occupational Safety (Cal/OSHA) and Federal OSHA. This work Plan was prepared by a Certified Asbestos Project Designer.

PROPERTY DESCRIPTION

The building at 800 East Morris was originally built as a school building in 1923. The City purchased the property in 1953 to be used as a community service building. Since that time the building has been decommissioned and the structure has been used for storage only. The building caught fire on 10/14/07 burning interior walls, ceilings and roof structure. The perimeter unreinforced brick walls and interior walls remained. On 10/15/07 the Chief Building Official of the City of Modesto deemed this building is structurally unsafe and must not be occupied. The building is a 15,000 square foot two story building built in 1923 in the style of elementary school buildings of that era. A boiler located in the basement of the structure heated the building. The recent fire has contaminated the fire debris and remaining brick exterior walls with asbestos previously identified in this building.

SCOPE OF WORK

The decontamination of the existing bricks, removing of asbestos contaminated fire debris along with remaining footprint of building in this scope of work will be as follows:

1. Remove contaminated fire debris around the perimeter of structure dispose of debris in approved lined and marked bins.
2. Construct a cofferdam to collect all wash water used in the decontamination of bricks.
3. Filter recovered water using a three-stage filtration system down to 5 microns prior to disposal.
4. Decontaminate bricks with a stream of water washing existing brick walls from top to bottom.
5. Bring down brick walls way from contaminated debris.
6. Clean and stack salvaged bricks on pallets as per agreement with the City. Bricks are to be handled as per NESHAP guidelines.
7. Remove contaminated fire debris and remaining walls of structure.
8. Remove previously identified 9” and 12” VFT remaining tiles as per attached floor plan.
9. Pump out water in basement area and run through three-stage 5-micron filtration system.
10. Remove Boiler and all TSI including piping, gaskets pipe wrap and Aircell material.
11. Remove all concrete foundation and basement, fill with clean soil and compact as per city agreement.

**GENERAL REQUIREMENTS**

1. Except as amended here or in the scope of work, the attached asbestos general requirements shall be followed.

2. Only qualified contractors and properly trained and certified abatement personnel shall be used to perform the work.

3. All documentation in regards to requirement number two will be presented to the project monitor before commencing the work. This documentation will include but is not necessarily limited to contractor licensing, insurance, training certificates of personnel, current medical certificates for abatement personnel who will be required to wear negative pressure respirators, and a foreman or on-site contractor representative who is trained in the provisions of NESHAP.

4. Contractor will at all time follow all applicable state, federal, and local laws and Regulations pertaining to asbestos abatement and proper disposal of waste materials both hazardous and non-hazardous.

5. The contractor shall provide all necessary equipment, tools, materials, lighting, power labor, water etc. to perform the work.

6. All HEPA equipment to be used on the project must be delivered to the site empty of all debris, clean and free of dust, and in full operating condition. At least one vacuum shall be DOP tested prior to the job in the event that vacuuming inside the building is required.

7. The contractor shall provide worker safety according to all OSHA regulations (Title 8), including use of tie-offs, harnesses, and lanyards. Particular attention shall be given to the placement and securing of accesses (ladders, etc.) to the roof

**PRE-ABATEMENT PREPERATION REQUIREMENTS**

8. Poly sheeting shall be placed on the ground directly below the work area extending out from the perimeter of the building at least 10 feet. The contractor shall secure the poly to the ground using tape, weights, or other means to secure the poly from being picked up by wind or becoming a tripping hazard.

9. The-perimeter of the building, where removal is to be conducted, shall be posted With barrier tape at a distance of at least 10 feet from the edge of the poly sheathing used around the perimeter of building. This barrier tape will provide a buffer zone, and assist in the restriction of non-abatement personnel at ground level from falling objects.
BINS AND WASTE BIN PREPARATIONS

10. The contractor shall be required to place footing materials of sufficient thickness, strength and size under the casters, footings, and/or runners of waste bin(s) to prevent damage of property surfaces.

11. The contractor is responsible for all damages to Owner's property caused by the delivery, placement, or removed of a waste bin. Damaged property shall be repaired to equal or better condition than was present prior to the activity causing the damage. This section may be amended in the "Scope of Work" for this project.

12. All waste shall be sufficiently wetted with amended water to prevent fiber release. If fiber release cannot be prevented then the chute and bin must be within a negative pressure enclosure.

POSTING AND LABEL REQUIREMENTS

Regulated Area Entry Points

Access to a regulated area shall be posted as outlined by CAL OSHA Title 8, 1529 (k) (7) (B) 1 and 2 with warning signs bearing the following information:

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Waste Bin Perimeters

Perimeters of waste bin(s) shall be posted as specified by CAL OSHA Title 8, 1529 (K) (7) (B) 1 and 2 with barrier tape bearing the following information: to warn non-abatement personnel of the restricted access, and the potential hazard which exists in the vicinity of the waste bin(s)

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WASTE MATERIAL CONTAINERS

Waste Material Containers, including the “burrito wrapped” material, shall have warning labels affixed in accordance with CAL OSHA Title 8,1529 (k) (8) (A-D).

DANGER
CONTAINS ASBESTOS FIBERS
AVOID CREATING DUST
CANCER AND LUNG DISEASE HAZARD

The owner's Contractor will have a responsible person on site trained in the provisions of NESHAP, during the preparation and demolition of the building. City of Modesto's representative at their option may request to verify the methods used by Contractor to comply with this work plan.

WASTE DISPOSAL AND DOCUMENTATION REQUIREMENTS

The roofing material may be disposed as a non-hazardous waste in a landfill which is permitted to accept non-friable, non-hazardous asbestos roofing material. If the asbestos roofing material is currently friable, or becomes friable during its removal, it shall be disposed of, in a permitted landfill for friable asbestos waste.

It is acceptable to dispose of bagged or sealed roofing waste into 6 mil double lined open topped dumpsters. The contractor shall completely enclose all roofing waste material commonly known as "burrito wrapped" in the dumpster using 6 mil poly. Upon being lowered, unwrapped material shall be transferred to a closed receptacle in such a manner as to preclude the dispersion of dust. In addition to the 6 mil poly, the top of the dumpster shall be completely enclosed with a tarp which is secured to the vehicle for transport or storage on-site if left overnight. The type of material for the tarp shall meet all requirements for transport of hazardous materials.

See attachments A- Floor plan
    B- Asbestos Survey Report dated 10/24/90 and 3/30/05

Ken Horrillo
Environmental Review Specialist
City of Modesto
MODESTO CITY COUNCIL
RESOLUTION NO. 2008-080

A RESOLUTION ACCEPTING STAFF REPORT ON IMPLEMENTATION OF THE AFFORDABLE HOUSING POLICY CONSOLIDATING ADMINISTRATION OF HUD FUNDS AND REDEVELOPMENT AGENCY HOUSING SET-ASIDE FUNDS AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO APPROVE A NEW ADMINISTRATIVE ANALYST I/II POSITION IN THE HUD UNIT OF THE PARKS, RECREATION AND NEIGHBORHOODS DEPARTMENT UTILIZING EXISTING EXPENDITURE ALLOCATIONS

WHEREAS, the City of Modesto currently benefits from two funding streams dedicated to the development, acquisition, rehabilitation and preservation of affordable housing, and related services, which are HUD Entitlement Funding and Redevelopment Agency Housing Set-Aside, and

WHEREAS, on November 29, 2007, by Resolution No. 11-2007, the Redevelopment Agency (RDA) approved consolidating the administration of affordable housing funds; assigned administration of these funds to the Parks, Recreation and Neighborhoods Department (PRND) HUD Unit; assigned advisory oversight of funding and projects to the Citizen’s Housing and Community Development Committee (CH&CDC); and recommended that the City Council amend the CH&CDC bylaws to add three (3) additional seats to provide representation from the Citizens Redevelopment Advisory Commission, and

WHEREAS, staff’s proposed plan to consolidate the administration of affordable housing funds is to assign administration of all affordable housing funds to the PRND to allow the Community and Economic and Development Department (CEDD) staff currently assigned to the RDA to put more emphasis on community economic development, and

WHEREAS, staff’s proposed plan to assign administration of the RDA affordable housing funds to the PRND HUD Unit is to assign budget oversight, coordination of affordable housing development, and day-to-day administrative operation duties will be assigned to the
PRND HUD Manager, and to assign monitoring and assurance of program and regulatory compliance, day-to-day interaction with the public, researching of information for development projects and reporting to funding sources to a new Administrative Analyst I/II position, and

WHEREAS, assignment of advisory oversight of funding and projects to the CH&CDC and amendment of the CH&CDC bylaws to add three (3) additional seats to provide representation from the Citizens Redevelopment Advisory Commission are discussed in a separate Council item, and

WHEREAS, the Finance Committee met on October 22, 2007, and supported the consolidation of affordable housing administration, and

WHEREAS, the CH&CDC met on October 26, 2007, and supported the consolidation of affordable housing administration, and

WHEREAS, the Citizens Redevelopment Advisory Commission met on November 7, 2007, and took no action, and

WHEREAS, the Economic Development Committee met on November 14, 2007, and supported the consolidation of affordable housing administration,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby accepts the staff report on implementation of the Affordable Housing Policy consolidating administration of HUD funds and Redevelopment Agency Housing Set-Aside funds.

BE IT FURTHER RESOLVED that the Interim City Manager, or his designee, is hereby authorized to approve a new Administrative Analyst I/II position in the HUD Unit of the Parks, Recreation and Neighborhoods Department utilizing existing expenditure allocations.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of February, 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
A RESOLUTION APPROVING A MANAGEMENT AGREEMENT WITH THE STANISLAUS MULTI-CULTURAL COMMUNITY HEALTH COALITION WEST MODESTO/KING-KENNEDY NEIGHBORHOOD COLLABORATIVE (COLLABORATIVE), TO MANAGE AND OPERATE THE KING-KENNEDY MEMORIAL CENTER (KKMC), AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE MANAGEMENT AGREEMENT

WHEREAS, in March 1966, the Westside Neighborhood Center Steering Committee was formed to discuss and address some of the social issues which were occurring on the west side of Modesto, and

WHEREAS, the Westside Neighborhood Center, Inc. (WNCI), a non-profit organization, requested that the City of Modesto file an application with the Federal Housing and Urban Development Department (HUD) for funds to construct a neighborhood center under the Neighborhood Facilities Grant Program, and

WHEREAS, in March 1968, the City of Modesto entered into an agreement with WNCI, which stated that, WNCI would operate and staff the new facility which was designed to carry out a program of health, recreational, social or similar community services, and

WHEREAS, in January 1969, the City and WNCI entered into another agreement, which stated that due to the lack of an anticipated funding source, the WNCI did not have the funding to operate the new facility, and according to the application filed with HUD for the building funds, the City of Modesto made a commitment to operate the neighborhood facility, and

WHEREAS, in May 1969, the name of the community center was changed to the King-Kennedy Memorial Center (KKMC) and a dedication ceremony occurred on June 29, 1969, and

WHEREAS, the City of Modesto dedicates $331,489 annually for the facilities, staffing and programming budget at the KKMC, and
WHEREAS, on May 23, 2006, by Resolution No. 2006-317, the City Council authorized staff from the Parks, Recreation and Neighborhoods Department (PRND) to invite qualified and involved non-profit 501(c) 3 organizations to submit “Letters of Interest” for consideration to enter into a Management Agreement with the City of Modesto to operate the KKMC, and

WHEREAS, in June 2006, a “Request of Interest (RFI)” was sent to non-profit organizations that serve the City of Modesto; only one non-profit organization, the Stanislaus Multi-Cultural Community Health Coalition West Modesto/King-Kennedy Neighborhood Collaborative (Collaborative) responded to the RFI, and

WHEREAS, the Collaborative stated that they were interested in operating the KKMC on a daily basis and working with the City of Modesto to enter into a management agreement regarding the KKMC facility, and

WHEREAS, the Collaborative submitted responses to questions related to the oversight and management of the facility questionnaire; they were reviewed by staff and discussed at the King-Kennedy Board of Directors meeting, and

WHEREAS, the King-Kennedy Board of Directors voted unanimously for City staff to continue to pursue the management agreement concept with the Collaborative, and

WHEREAS, on June 12, 2007, by Resolution No. 2007-339, the City Council authorized staff to enter into negotiations with the Collaborative for a management agreement for the operation of the KKMC, and

WHEREAS, the basic terms of the proposed management agreement are:

- the term of this agreement shall run from January 1, 2008, to December 31, 2017,
- either party may request to reopen the terms of this agreement during the period April 1, 2012, through October 31, 2012,
- either party may request an early termination of this agreement after December 31, 2008; such a request must be made in writing, and must be made a minimum
of four months in advance of the proposed termination date, unless City and Collaborative mutually agree to a lesser time; provided that such written request is timely made, termination shall occur upon the specified termination date,

- the City will schedule regular custodial services at said facility,
- the Collaborative agrees to follow and uphold the Facility Guidelines, as approved by City Council, for daily use and rental use of City-owned facilities, including any regulations or procedures set regarding requirements for security personnel, and enforcement of the “no alcohol policy” for said facility,
- when rental events which are reserved and staffed by the Collaborative produce revenue, the City shall received 20% of said revenue, and the Collaborative will receive 80% of said revenue,
- the City reserved the right to use the premises and facilities for free according to a submitted schedule of annual events and classes, and

WHEREAS, if the KKMC is managed by the Collaborative, the City will be able to reprogram staffing and program operating costs of approximately $297,589 to the Maddux Youth Center, the Neighborhood Center at Marshall Park, or other units within the Recreation Division, and

WHEREAS, the City is committed to ensuring that the investment in the KKMC facility infrastructure is maintained to current City standards; therefore, as part of the agreement, the City will continue to support the facility by providing property insurance, custodial and related maintenance functions, at a current cost of approximately $75,000 per year, and

WHEREAS, the Safety and Communities Committee met on November 5, 2007, and supported staff’s recommendation to enter into a Management Agreement with the Collaborative,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves a Management Agreement with the Stanislaus Multi-Cultural Community Health Coalition West Modesto/King-Kennedy Neighborhood Collaborative
(Collaborative) for the management and operation of the King-Kennedy Memorial Center (KKMC).

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of February, 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

APPROVED AS TO FORM:

By: [Signature]

SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2008-082

A RESOLUTION AMENDING THE FISCAL YEAR 2007-2008 ANNUAL OPERATING BUDGET TO RE-ALLOCATE FULL-TIME AND PART-TIME STAFFING AND OPERATING COSTS OF APPROXIMATELY $55,744 TO THE MADDUX YOUTH CENTER AND APPROXIMATELY $22,527 TO THE NEIGHBORHOOD CENTER AT MARSHALL PARK

WHEREAS, the City of Modesto operates the King-Kennedy Memorial Center and allocates $297,589 from the General Fund annually for the facilities, staffing and programming budget at the KKMC, and

WHEREAS, on May 23, 2006, by Resolution No. 2006-317, the City Council authorized staff from the Parks, Recreation and Neighborhoods Department (PRND) to invite qualified and involved non-profit 501(c) 3 organizations to submit “Letters of Interest” for consideration to enter into a Management Agreement with the City of Modesto to operate the KKMC, and

WHEREAS, the Stanislaus Multi-Cultural Community Health Coalition West Modesto/King-Kennedy Neighborhood Collaborative (Collaborative) responded, and

WHEREAS, the Collaborative stated that they were interested in operating the KKMC on a daily basis and working with the City of Modesto to enter into a management agreement regarding the KKMC facility, and

WHEREAS, on June 12, 2007, by Resolution No. 2007-339, the City Council authorized staff to enter into negotiations with the Collaborative for a management agreement for the operation of the KKMC, and

WHEREAS, if the KKMC is managed by the Collaborative, the City will be able to re-program staffing and program operating costs of approximately $55,744 to the Maddux Youth Center and approximately $22,527 to the Neighborhood Center at Marshall Park, or other units within the Recreation Division, and
WHEREAS, the City is committed to ensuring that the investment in the KKMC facility infrastructure is maintained to current City standards, as part of the agreement, and the City will continue to support the facility by providing property insurance, custodial and related maintenance functions, at a current cost of approximately $75,000 per year, and

WHEREAS, the Safety and Communities Committee met on November 5, 2007, and supported staff’s recommendation to enter into a Management Agreement with the Collaborative,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves amending the Fiscal Year 2007-2008 Annual Operating Budget to re-allocate full-time and part-time staffing and operating costs of approximately $55,744 to the Maddux Youth Center and approximately $22,527 to the Neighborhood Center at Marshall Park, as estimated in Exhibit “1,” attached hereto and incorporated herein by reference.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of February, 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. 2008-083

A RESOLUTION AMENDING THE CITY OF MODESTO CITIZEN PARTICIPATION PLAN (CPP) TO INCREASE THE CITIZENS HOUSING & COMMUNITY DEVELOPMENT COMMITTEE (CH&CDC) MEMBERSHIP TO THIRTEEN (13) MEMBERS AND TO APPOINT THREE MEMBERS FROM THE CITIZEN REDEVELOPMENT ADVISORY COMMISSION (CRAC) AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO SUBMIT THE AMENDED CPP TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)

WHEREAS, the City of Modesto receives several Federal grants from the U.S. Department of Housing and Urban Development (HUD), and

WHEREAS, HUD requires jurisdictions receiving funds to publish a Citizen Participation Plan (CPP), and

WHEREAS, the Ppan must set forth the jurisdiction’s policies and procedures for citizen participation as stated in 24 CFR 91.105, and

WHEREAS, the purpose of the plan is to encourage citizen participation, and

WHEREAS, the CPP must provide for and encourage citizens to participate in the development of: the Consolidated Plan; the Annual Action Plan; any substantial amendments to the Consolidated or Annual Action Plan; and the Consolidated Annual Performance Evaluation Report (CAPER), and

WHEREAS, on September 13, 2005, by Resolution No. 2005-469 the City Council approved the CPP to ensure compliance with HUD regulations, and

WHEREAS, on November 29, 2007 by Resolution No. 11-2007, the Modesto Redevelopment Agency recommended that the bylaws of the Citizens Housing & Community Development Committee (CH&CDC) be amended to update the membership to thirteen (13) members, and to reflect that three of the seats provide representation from the Citizen Redevelopment Advisory Commission (CRAC), and

WHEREAS, the CPP serves as the bylaws for the CH&CDC, and
WHEREAS, the CPP was made available for public review and comment from January 14, 2008, through February 5, 2008, and

WHEREAS, all public comments, and staff responses to these comments, must be presented to the City Council for review and approval,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves the amended Citizen Participation Plan update the membership to thirteen (13) members, and to reflect that three of the seats provide representation from the Citizen Redevelopment Advisory Commission (CRAC), a copy of which is on file in the office of the City Clerk.

BE IT FURTHER RESOLVED that the Interim City Manager, or his designee, is hereby authorized to submit the amended CPP to the U.S. Department of Housing and Urban Development (HUD).

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of February, 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. 2008-084

A RESOLUTION APPROVING AN AGREEMENT FOR THE PURCHASE OF RETIRED CITY OF MODESTO POLICE CANINE BY ITS HANDLER, OFFICER LETSINGER, AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT WITH THE OFFICER FOR PURCHASE OF HIS POLICE CANINE

WHEREAS, the Police Chief for the City of Modesto, from time to time, officially retires police canines from departmental service, and

WHEREAS, City of Modesto police canine handler, Officer Letsinger, wishes to purchase and assume possession of his assigned canine, Oden, upon the dog’s official retirement, and

WHEREAS, it is necessary to adopt a resolution authorizing the purchase of City of Modesto police canines by its assigned department handler,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the agreement with Officer Letsinger for the purchase of his retired police canine, Oden, in the amount of One Dollar ($1.00) as more fully set forth in the Modesto Police Department Canine Transfer Contract attached hereto as Exhibit "A" and incorporated herein by this reference.

BE IT FURTHER RESOLVED that the Interim City Manager, or his designee, is hereby authorized to execute said contract.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of February, 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:  

SUSANA ALCALA WOOD, City Attorney
MODESTO POLICE DEPARTMENT CANINE TRANSFER CONTRACT

This AGREEMENT made and entered into in the City of Modesto, State of California, this 19th day of December, 2007, by and between the City of Modesto, a municipal corporation of the State of California, hereinafter referred to as “CITY”, and Derrick Letsinger, canine handler for the Modesto Police Department, hereinafter referred to as “HANDLER”.

Facts:

Canine “Oden” has been with the Modesto Police Department since April of 2003. “Oden” has served the city for almost 5 years. “Oden” was born on May 18, 2001 and will be seven years old in May of 2008. “Oden” has had a long and distinguished career as a police narcotic dog. “Oden” has reached an age where his health has begun to decline and he has developed a lower back problem. His ability to continue to do police work at an acceptable level can no longer be achieved and it is my recommendation he be retired from service.

This AGREEMENT is made with regard to the following recitals:

A. HANDLER wishes to assume ownership and take possession of that certain retired City of Modesto police canine named “Oden”. HANDLER was previously the assigned canine handler for “Oden”.

B. HANDLER wishes to maintain ownership of the above-referenced dog, and the CITY wishes to divest itself of both ownership and vicarious or direct liability for the subject dog.

C. CITY does hereby agree to relinquish all of its right, title and ownership interest in said dog whatsoever, effective upon HANDLER’s execution and return of this document and payment of the sum of one and no/100ths dollars ($1.00) to the City of Modesto.

NOW, THEREFORE, in consideration of this AGREEMENT, the parties hereto agree as
follows:

1. **HANDLER** does agree to assume ownership of the Modesto police canine named “Oden”, and to assume any and all risks, including, but not limited to, risk of injury or death to third persons, and to hold CITY, its police department, and its employees and/or agents or volunteers harmless from any and all liability, claims, administrative proceedings or other responsibility whatsoever arising from any injuries or damages that may occur on or after the date ownership of the dog is transferred pursuant to this AGREEMENT. That date is hereby fixed by agreement by and among the parties hereto as being __12-19__, 200_.

2. **HANDLER** further agrees to assume all liability for risks and dangers relating to his/her ownership of the subject police dog on and after the aforementioned date, and to indemnify and hold CITY harmless in the event that any legal or administrative action, whether by claim, demand or otherwise, is made by any person or entity as a consequence of or arising out of any event, act or disturbance involving the subject police dog on or after the date ownership is transferred. These hold harmless provisions shall extend to any direct or vicarious liability arising from any and all losses, liabilities, charges (including reasonable attorney fees and court costs), and any other expenses whatsoever which may arise in any manner after the new owners assumption of ownership on the date identified herein.

3. **HANDLER** must retain ownership of “Oden” for at least eighteen (18) months prior to any sale of the aforementioned retired police canine.

4. The retired police canine “Oden” shall revert to CITY should the purchaser, **HANDLER** determine he/she can no longer care for the aforementioned dog within the period of time commencing on the date of this AGREEMENT and ending eighteen (18) months from the date fixed by this AGREEMENT.
5. **HANDLER** acknowledges that he/she has read the foregoing AGREEMENT and understands that it is contractual in nature and understands each of its provisions.

IN WITNESS WHEREOF, the CITY OF MODESTO, a municipal corporation, has caused this Agreement to be executed in duplicate by its City Manager and attested by its City Clerk under authority of Resolution No. 08-____ adopted by the City Council of the City of Modesto on the ? day of ? 2008.

CITY OF MODESTO

NEW OWNER

__________________________  __________________________
JAMES E. NISKANEN, Interim City Manager  DERRICK LETSINGER, Handler

ATTEST:

By__________________________
STEPHANIE LOPEZ, Acting City Clerk

APPROVED AS TO FORM:

By__________________________
SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2008-085

A RESOLUTION ACCEPTING THE WORK BY SKYLINES ROOFING FOR THE PROJECT TITLED “KING KENNEDY MEMORIAL CENTER ROOF REPLACEMENT” 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 PERIOD, AND AUTHORIZING PAYMENT OF AMOUNTS TOTALING $49,624.50.

WHEREAS, a report has been filed by the Public Works Director that the project titled “King-Kennedy Memorial Center Roof Replacement” has been completed by Skylines Roofing in accordance with the contract agreement dated September 11, 2007,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the project titled “King-Kennedy Memorial Center Roof Replacement” is hereby accepted as complete from said contractor Skylines Roofing, 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 period, and that payment of amounts totaling $49,624.50 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 5th day of February, 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. 2008-086

A RESOLUTION ACCEPTING THE WORK BY ODYSSEY LANDSCAPE CO., INC. FOR THE PROJECT TITLED “9TH STREET BRIDGE RIPARIAN REVEGETATION” 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 PERIOD, AND AUTHORIZING PAYMENT OF AMOUNTS TOTALING $47,915.00.

WHEREAS, a report has been filed by the Public Works Director that the project titled “9th Street Bridge Riparian Revegetation” has been completed by Odyssey Landscape, Co., Inc. in accordance with the contract agreement dated July 3, 2007,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the project titled “9th Street Bridge Riparian Revegetation” is hereby accepted as complete from said contractor Odyssey Landscape, Co., Inc., 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 period, and that payment of amounts totaling $47,915.00 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 5th day of February, 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. 2008-087

A RESOLUTION APPROVING AN AGREEMENT WITH FINANCIAL CONSULTING SOLUTIONS GROUP, INC. (FCS GROUP) TO CONDUCT AN UPDATED WATER RATE AND CAPACITY CHARGE STUDY IN THE NOT-TO EXCEED AMOUNT OF $138,440 FOR THE IDENTIFIED SCOPE OF SERVICES, PLUS $13,844 FOR ADDITIONAL SERVICES (IF NEEDED) FOR A MAXIMUM TOTAL AMOUNT OF $152,284, AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT.

WHEREAS, the City Council, on November 23, 2004, by Resolution No. 2004-627, approved rescinding all previous water fee resolutions, established a single-rate base, updated the City’s monthly utility rates (implemented in January 2005), and established the criteria to reevaluate the utility rates every two years, and

WHEREAS, the City Council, on May 24, 2005, by Resolution No. 2005-282, approved updating the City’s capacity charges (connection fees) for new development (implemented in July 2005), and by Resolution No. 2005-281, which among other things, establishing the criteria to reevaluate the capacity charges every three years, and

WHEREAS, the 2004 utility rate and 2005 capacity charge updates reflect the proportional fair share cost allocation between the existing rate payers and future users for system wide improvements (identified at that time) needed to provide and maintain reliable water service to existing and future customers, and

WHEREAS, due to the anticipated new water supply projects, services and revised water improvement costs estimates, the current rate structure in water does not adequately fund operating expenditures, capital improvement and maintenance needs, or issuance of bonds and debt service needs, and
WHEREAS, the City Council, on October 23, 2007, by Resolution No. 2007-614, approved an Agreement with West Yost Associates, Inc. for professional services to develop an updated Engineer’s Report for a Water Rate and Connection Fee Update Study, and

WHEREAS, the purpose of the study is to ensure rates accurately reflect the cost to provide the services, including rehabilitation of our aging water facilities and ensure a continued safe and reliable water supply for the community, and

WHEREAS, a key item to developing an updated Water System Engineer’s Report and the Water Rate and Capacity Charge Study (Study) will be the evaluation of the feasibility of the City’s continued participation in the Turlock Irrigation District’s (TID) Regional Surface Water Supply Project (RSWSP), and

WHEREAS, the updated Engineer’s Report will present the proposed improvements needed to provide and maintain reliable water service to existing and future customers (over both a 5-year and 20-year horizon), their associated cost estimates, and their allocations (existing rate payers vs. future users) under two separate, but parallel analyses; the first will be with full participation by the City in TID’s RSWSP, and the second without participation by the City, and

WHEREAS, the Water Rate and Capacity Charge Study will provide a similar analysis for both “with-TID” and “without-TID” scenarios, and

WHEREAS, the City Council, on May 23, 2006, by Resolution No. 2006-303, approved a list of qualified utility rate professionals to assist the City with Utility User Fee and Connection Fee Studies, as well as Peer Reviews for a period of five (5) years, and
WHEREAS, on December 14, 2007, Request for Proposals (RFPs) were distributed to three (3) of the listed firms, and

WHEREAS, consultant interviews were held on January 11, 2008, and Financial Consulting Solutions Group, Inc. (FCS Group) was deemed the most qualified firm to prepare the City’s updated Water Rate and Capacity Charge Study, and

WHEREAS, FCS Group will provide an analysis to determine what proportionate amount of any rate increase can be attributed to various cost factors, such as the cost of new water supplies. Another firm from the approved list will be selected at a later date to peer review FCS Group’s work prior to completion of the project, and

WHEREAS, the City does not have the staffing level or expertise to prepare an updated Water Rate and Capacity Charge in-house, and

WHEREAS, using professional consulting services will enable this work to be completed on an expedited schedule and will allow all CEQA work and a Proposition 218 process to be completed prior to the November 1, 2008 decision deadline for the City’s continued participation with the TID RSWSP, and

WHEREAS, FCS Group is on the City’s pre-qualified list for providing water rate and capacity charge study services, they have a clear understanding of the City’s challenges, they can complete this task in the short time frame available, and City staff is familiar with the high quality of their work, therefore, it was considered by City staff to be appropriate for FCS Group to perform the required water rate and capacity charge study in an amount not to exceed $152,284,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement with Financial Consulting Solutions Group, Inc.
(FCS Group) to conduct an updated Water Rate and Capacity Charge Study for a not-to-exceed amount of $152,284.

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 5th day of February, 2008, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Mayor Ridenour 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)

STEPHANIE LOPEZ, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2008-088

A RESOLUTION AMENDING THE FY 07-08 OPERATING BUDGET BY APPROVING A TRANSFER OF FUNDS IN THE AMOUNT OF $152,284 FROM ACCOUNT 6100-800-8000-8003 “WATER FUND-RESERVES” TO OPERATING ACCOUNT 6100-440-5015-0235 “CAPITAL PLANNING” IN ORDER TO FULLY FUND THE AGREEMENT WITH FINANCIAL CONSULTING SOLUTIONS GROUP, INC. (FCS GROUP) TO CONDUCT AN UPDATED WATER RATE AND CAPACITY CHARGE STUDY.

WHEREAS, certain budgetary transactions are necessary to fully fund the agreement with Financial Consulting Solutions Group, Inc. (FCS Group) in the amount of $152,284, to conduct an updated Water Rate and Capacity Charge Study, and

WHEREAS, to fully fund the agreement to conduct an updated Water Rate and Capacity Charge Study in the not-to exceed amount of $138,440 for the identified scope of services, plus $13,844 for additional services (if needed) for a maximum total amount of $152,284, the current operating budget must be amended by transferring $152,284 from Account 6100-800-8000-8003 “Water Fund-Reserves” to Operating Account 6100-440-5015-0235 “Capital Planning” to perform the required services to complete the updated Water Rate and Capacity Charge Study,

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 FCS Group to perform the required services to complete the updated Water Rate and Capacity Charge Study.

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 5th day of February, 2008, by Councilmember Hawn,
who moved its adoption, which motion being duly seconded by Mayor Ridenour, 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

(SIGNATURE)

APPROVED AS TO FORM:

By _________________________________

SUSANA ALCALA WOOD, City Attorney
A RESOLUTION AMENDING THE WASTEWATER FUND OPERATING BUDGET FOR FISCAL YEAR 2007/2008 TO APPROPRIATE $525,714 TO (A) ENHANCE SECURITY STAFFING AT THE PRIMARY PLANT ($13,000); (B) ALLOCATE ONE (1) INSTRUMENT REPAIR TECHNICIAN, ONE (1) ELECTRICIAN, ONE (1) PLANT MECHANIC, AND ONE (1) ADMINISTRATIVE OFFICE ASSISTANT III TO OPERATE AND MAINTAIN DISSOLVED AIR FLOTATION AND TERTIARY TREATMENT AT THE SECONDARY PLANT ($210,829); (C) ALLOCATE EIGHT (8) WASTEWATER COLLECTION SYSTEMS OPERATORS FOR FURTHER IMPLEMENTATION OF THE GAP ANALYSIS RECOMMENDATIONS FOR WDR COMPLIANCE ($301,885); AND AUTHORIZING THE TRANSFER OF FUNDS IN THE AMOUNT OF $525,714 FROM WASTEWATER FUND RESERVES TO FUND THESE SUPPLEMENTAL REQUESTS.

WHEREAS, the Sutter Avenue Primary Treatment Plant will begin a security upgrade project in January, 2008, and

WHEREAS, these security upgrades are intended to more closely monitor authorized access and to secure the Primary Treatment Plant from unauthorized access, and

WHEREAS, the upgrades will require the placement of a hired security staff at the entry gate on a 24-hour basis, which increases the current security staffing from only evenings, weekends, and holidays, and

WHEREAS, funds are available in Wastewater Fund Reserves to fund the $13,000 for the remainder of FY 2007/08 and $26,000 annually thereafter, and

WHEREAS, in early 2007, the Jennings Secondary Treatment Plant started construction of a Dissolve Air Flotation (DAF) System, with a total project cost of approximately $7 million, and

WHEREAS, the project is expected to be completed in early 2008, and

WHEREAS, the DAF System project will be followed later in 2008 by Phase I of a new Tertiary Treatment Facility at an estimated cost of $18 million, and
WHEREAS, these new additions to the Jennings site will require the additional staffing of one (1) instrument repair technician, one (1) electrician, one (1) plant mechanic, for proper operation and maintenance, and

WHEREAS, it is important that these technical positions be on staff during construction and start-up to ensure a successful implementation, and

WHEREAS, one (1) Administrative Office Assistant III is also a necessary addition to assist in the added workload generated by these facilities and to provide general administrative support to the Chief Plant Operator, and

WHEREAS, funds are available in Wastewater Fund Reserves to fund the $210,829 for the remainder of FY 2007/08 and $303,858 annually thereafter, and

WHEREAS, the State Water Resources Control Board recently adopted statewide General Waste Discharge Requirements (WDR) for sanitary sewer systems, which include new directives for Wastewater Collections, and

WHEREAS, a Gap Analysis was developed to help identify steps needed to comply with the new WDR, and was approved by City Council, by Resolution 2007-460, on July 24, 2007 as the City’s Sanitary Sewer Management Plan (SSMP), and

WHEREAS, the SSMP prescribes specific milestones that relate to compliance with the WDR, and

WHEREAS, Council has since approved two of the 14 recommendations in the Gap Analysis (GIS Based Block Book Map – Resolution 2007-595 and Computerized Maintenance Management System – Resolution 2007-563), and

WHEREAS, staff is now proposing to move forward with the Gap Analysis recommendations for a Proactive Maintenance Program and a second Closed Circuit Television crew, and
WHEREAS, additional staffing of eight (8) Wastewater Collection System Operators are necessary to implement the above Gap Analysis recommendations, and

WHEREAS, funds are available in Wastewater Fund Reserves to fund the $301,885 for the remainder of FY 2007/08 and $603,227 annually thereafter,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes amending the Wastewater Fund Operating Budget for Fiscal Year 2007/2008 to appropriate $525,714 to (a) enhance security staffing at the Primary Plant ($13,000); (b) allocate one (1) Instrument Repair Technician, one (1) Electrician, one (1) Plant Mechanic, and one (1) Administrative Office Assistant III to operate and maintain Dissolved Air Flotation and Tertiary Treatment at the Secondary Plant ($210,829); and (c) allocate eight (8) Wastewater Collection Systems Operators for further implementation of the Gap Analysis recommendations for WDR compliance ($301,885).

BE IT FURTHER RESOLVED that the City Council hereby authorizes the transfer of funds in the amount of $525,714 from Wastewater Fund Reserves to fund these supplemental requests.
The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 5th day of February, 2008, by Councilmember Lopez, 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, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

(SEAL)

APPROVED AS TO FORM:

BY: [Signature]

SUSANA ALCALA WOOD, City Attorney
A RESOLUTION AMENDING THE WATER FUND OPERATING BUDGET FOR FISCAL YEAR 2007/2008 TO APPROPRIATE $291,244 TO (A) REPLACE LARGE WATER METERS ($143,560); (B) ALLOCATE TWO (2) WATER DISTRIBUTION OPERATORS AND TWO (2) 1000-HOUR EMPLOYEES TO IMPLEMENT A VALVE TURNING PROGRAM ($76,627); (C) ALLOCATE ONE (1) ASSOCIATE CIVIL ENGINEER TO PERFORM HYDRAULIC MODELING ($83,046); AND AUTHORIZING THE TRANSFER OF FUNDS IN THE AMOUNT OF $291,244 FROM WATER FUND RESERVES TO FUND THESE SUPPLEMENTAL REQUESTS.

WHEREAS, large commercial and industrial water meters (3” and up) operate continuously and have a shorter useful life than residential meters, and

WHEREAS, as a meter begins to deteriorate, so does its ability to accurately measure water usage, which ultimately results in lost revenue, and

WHEREAS, there is currently a backlog of 156 large meters needing replacement and they are typically replaced on a ten-year cycle, and

WHEREAS, staff has determined that these 156 meters are at least 15-20 years old, and an ongoing program is needed to ensure that funding is available to replace these meters as soon as they begin to show signs of failure to prevent lost revenue, and

WHEREAS, funds are available in Water Fund Reserves to fund the $143,560 for the remainder of FY 2007/08 and $287,120 annually thereafter, and

WHEREAS, prior to 2001 Water Operations established and maintained an ongoing Valve Turning Program, and

WHEREAS, due to increased costs and budget reductions over time, discretionary budget appropriations have not been sufficient to cover the costs of continuing this program on a regular cycle, and
WHEREAS, valve turning performed on a regular cycle is necessary to keep valves operational and in good working order; otherwise corrosion sets in and valves become stiff, difficult to turn, and tend to break more easily, and

WHEREAS, currently valve turning is performed as time allows, which translates into full cycle valve turning occurring every five to ten years instead of the industry standard of every two to three years, and

WHEREAS, staff is recommending implementing a valve turning program with a three-year cycle, and

WHEREAS, the addition of two (2) Water Distribution Operators and two (2) 1000-hour employees are necessary for program implementation, and

WHEREAS, funds are available in Water Fund Reserves to fund the $76,627 for the remainder of FY 2007/08 and $153,254 annually thereafter, and

WHEREAS, currently, there is not sufficient staff to perform hydraulic modeling, and therefore the City of Modesto relies on consultant services, and

WHEREAS, having an in-house Associate Civil Engineer to perform hydraulic modeling would allow staff to be more responsive to minor development proposals and aid engineering and operations staff in evaluating minor changes to the water and sewer systems, and

WHEREAS, funds are available in Water Fund Reserves to fund the $83,046 for the remainder of FY 2007/08 (includes annual training, computer purchase, software upgrade, and office modifications) and $133,092 annually thereafter,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes amending the Water Fund Operating Budget for Fiscal Year 2007/2008 to appropriate $291,244 to (a) replace large water meters ($143,560); (b) allocate two (2) Water Distribution Operators and two (2) 1000-hour employees to implement a valve turning program,
($76,627); and (c) allocate one (1) Associate Civil Engineer to perform hydraulic modeling ($83,046).

BE IT FURTHER RESOLVED that the City Council hereby authorizes the transfer of funds in the amount of $291,244 from Water Fund Reserves to fund these supplemental requests.

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 5th day of February, 2008, by Councilmember Lopez, 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, 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 AMENDING THE CIP SUPPORT FUND OPERATING BUDGET FOR FISCAL YEAR 2007/2008 TO APPROPRIATE $267,478 TO ALLOCATE THREE (3) POSITIONS (ASSOCIATE CIVIL ENGINEER, SR. ADMINISTRATIVE OFFICE ASSISTANT, AND CONSTRUCTION INSPECTOR) IN ORGANIZATION 4212 – CONSTRUCTION ADMINISTRATION, AND ALLOCATE ONE (1) NEW POSITION (PROPERTY AGENT) IN ORGANIZATION 4112 – ENGINEERING DESIGN FOR THE CAPITAL IMPROVEMENT PROGRAM; AND INCREASING REVENUE AND OFFSETTING EXPENSES IN THE AMOUNT OF $201,740 IN ORGANIZATION 0300-420-4212 (CONSTRUCTION ADMINISTRATION; AND INCREASING REVENUE AND OFFSETTING EXPENSES IN THE AMOUNT OF $64,738 IN ORGANIZATION 0300-410-4112 (ENGINEERING DESIGN) TO FUND THESE SUPPLEMENTAL REQUESTS.

WHEREAS, recent approval of major capital improvement programs (CIP) in water and wastewater, in addition to existing programs in other areas, has created a peak workload issue in the Public Works Construction Administration Office, and

WHEREAS, the estimated construction value of work in the proposed CIP will reach an unprecedented peak over the next three years, and

WHEREAS, the proposed workload for FY 2008 through 2010 will represent an average annual workload that is approximately five times the five-year historical average for the Construction Administration Office, and

WHEREAS, the estimated workload then levels off in FY 2011 through 2017 to a level that is approximately 60% above the five-year historical average, and

WHEREAS, while a major portion of the workload demand can be met with the use of construction management firms, this level of workload outstrips staff’s ability to effectively manage and support these construction management firms, and

WHEREAS, the addition of three new positions (Associate Civil Engineer, Sr. Administrative Office Assistant, and Construction Inspector) represent a staff that can effectively manage and support construction management firms, and perform construction management for a CIP workload that corresponds to the estimated CIP program in FY 2011 through 2017, and
WHEREAS, these three new positions will be fully funded through the Capital Improvement Program, and

WHEREAS, the addition of an in-house property agent would free up many hours of engineering staff time, which would allow them to dedicate additional hours to managing the design contracts, and

WHEREAS, the City had a Property Agent for 20 years, until retirement in 2001 left the position unfilled, and staff has had to rely on consultant services, and

WHEREAS, this in-house property agent position will negotiate agreements for the acquisition and purchase of real property for the City, secure right-of-way, easements and lease, manage real property owned by the City, and provide relocation services for individuals displaced by land acquisition, and

WHEREAS, the new position of property agent will be fully funded through the Capital Improvement Program,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes amending the CIP Support Fund Operating Budget for Fiscal Year 2007/2008 to appropriate $267,478 to allocate three (3) positions (Associate Civil Engineer, Sr. Administrative Office Assistant, and Construction Inspector in Organization 4212 Construction Administration, and allocate one (1) new position (Property Agent) in Organization 4112 – Engineering Design for the Capital Improvement Program.

BE IT FURTHER RESOLVED that the City Council hereby authorizes increasing revenue and offsetting expenses in the amount of $201,470 in Organization 0300-420-4212 (Construction Administration).

BE IT FURTHER RESOLVED that the Council hereby authorizes increasing revenue and offsetting expenses in the amount of $65,738 in Organization 0300-410-4112 (Engineering Design).
The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 5th day of February, 2008, by Councilmember Lopez, 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, 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 GRANTING THE APPEAL OF ACME CONSTRUCTION FOR CAPITAL FACILITIES FEES PAID IN PROTEST AT THE BUSINESS PARK-MANUFACTURING RATE FOR THE CONSTRUCTION OF A 3,300 SQUARE FOOT WAREHOUSE BUILDING LOCATED AT 1565 CUMMINS DRIVE AND APPROVING AN ADJUSTMENT OF CAPITAL FACILITIES FEES TO THE INDUSTRIAL-WAREHOUSE RATE

WHEREAS, on January 24, 2006, the Modesto City Council adopted Resolution No. 2006-061 updating its Capital Facilities Fee (CFF) program for the establishment and collection of fees for future capital facilities, and

WHEREAS, Resolution No. 2006-061 ("CFF Policies and Procedures) defines the categories of uses and rates on which the fees will be collected, and

WHEREAS, on March 13, 2007, the Modesto City Council adopted Resolution No. 2007-180 amending the City’s CFF Policies and Procedures, 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, per the City’s CFF Policies and Procedures, it is policy for Building Inspection to calculate the fee based on the type of permit being issued and the definition of the fee that relates to that type of use, and

WHEREAS, on September 11, 2007, Acme Construction ("Applicant") was charged the Business Park Industrial rate of $4.978 per square foot for CFF for the construction of a 3,300 square foot building located at 1565 Cummins Drive, and

WHEREAS, Applicant paid the CFF in protest indicating they should have been charged the Industrial-Warehouse rate of $3.202 per square foot, and
WHEREAS, on October 4, 2007, Acme Construction was notified by letter from the City’s Infrastructure Financing Program Administrative Officer, that the CFF charged for that project was based on the location of said project being in a city-designated Business Park, and

WHEREAS, by letter dated October 25, 2007, Applicant filed an appeal to the decision of the Infrastructure Financing Program Administrative Officer for the CFF charged on the building located at 1565 Cummins Drive, and

WHEREAS, by an agenda report to the City Council from the Community and Economic Development Director dated January 14, 2008, City staff recommended the appeal of Acme Construction be granted, and

WHEREAS, said appeal was set for a duly noticed public hearing to be held on November 25, 2007, and at the request of Applicant was continued to February 5, 2008 at 5:30 p.m. before the City Council at its regular meeting place in the Tenth Street Place Chambers located at 1010 10th Street, Modesto, California, at which date and time evidence both oral and documentary was received and considered, and

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 reviewed Acme Construction’s request and has determined that the incremental difference in the CFF rate between Business Park Manufacturing and Industrial Warehouse is unnecessary.

2. Said appeal is approved as recommended because this use is deemed Industrial-Warehouse and not Business Park Manufacturing and the incremental difference based on associated impacts is to be hereby refunded.
BE IT FURTHER RESOLVED by the Council of the City of Modesto it hereby
approves the appeal of Acme Construction regarding and adjustment of Capital Facilities
Fees for Industrial-Warehouse.

The foregoing resolution was introduced at a regular meeting of the Council of the
City of Modesto held on the 5th day of February, 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, Lopez, Marsh, O’Bryant, Olsen,
       Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Hawn

Attest:  

STEPHANIE LOPEZ, Acting City Clerk

APPROVED AS TO FORM:

By:  

SUSANA ALCALA WOOD, City Attorney
A RESOLUTION ACCEPTING THE MODESTO SISTER CITIES INTERNATIONAL (MSCI) ANNUAL REPORT, APPROVING A FOURTH AMENDMENT TO AGREEMENT TO REDUCE THE CITY’S FY 08-09 CONTRIBUTION TO MSCI BY 3% ($853), AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT TO AGREEMENT

WHEREAS, Modesto Sister Cities International (MSCI) is a volunteer organization dedicated to the promotion of international cultural and social relations, education, and commerce in order to foster mutual understanding, goodwill, and the opportunity for services in the human interest, and

WHEREAS, MSCI coordinates and administers Sister City activities on behalf of the City of Modesto, and

WHEREAS, the MSCI Annual Report is presented to inform and advise the Modesto City Council regarding the status of Sister City activities, and

WHEREAS, when staff was informed that General Fund budget organizations were expected to make a 3% reduction in their FY 08-09 expenditures, MSCI was contacted and asked to accept a voluntary reduction of 3% in the City’s contribution to MSCI, and

WHEREAS, their agreement does not require them to agree, and provides for a 1-year notice to changes, however, MSCI recognizes the City’s budget situation and has graciously agreed to accept a contribution of $27,587 for FY 08-09, which is $583 less than what they received for FY 07-08, and
WHEREAS, if budget cuts above 3% are required, staff will either reduce other areas in the department’s General Fund budget or will ask MSCI to consider further reductions.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby accepts the Modesto Sister Cities International (MSCI) Annual Report, a copy of which is attached hereto and incorporated herein by reference.

BE IT FURTHER RESOLVED that the Council hereby approves a Fourth Amendment to Agreement to reduce the City’s FY 08-09 contribution to MSCI by 3% ($853).

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 12th 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: STEPHANIE LOPEZ, Acting City Clerk

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
Modesto Sister Cities International
Statement of Goals and Events for 2008

Board Goals

- Focus the organization’s program
- Support the goals of each city committee
- Promote/support board projects
- Increase volunteerism and involvement

Dedication of time

- Traveling to and from our sister cities
- Driving to and from airports to receive or send off delegates
- Home-staying delegates
- Planning and hosting receptions
- Chaperoning youth exchange students on their trips and activities
- Recruiting local businesses to set up meetings, internships, exchanges and tours
- Negotiating by letter, telephone, email, or fax with counterparts to plan, maintain, and implement programs
# MSCI BUDGET FOR 2007

## Income

<table>
<thead>
<tr>
<th>Source</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>City Grant, F.Y. 06-07</td>
<td>$20,440.00</td>
</tr>
<tr>
<td>Membership</td>
<td>3,600.00</td>
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<tr>
<td>Fundraiser</td>
<td>3,500.00</td>
</tr>
<tr>
<td>Interest</td>
<td>1,500.00</td>
</tr>
<tr>
<td>Mengzi Guardianship</td>
<td>5,000.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$34,040.00</strong></td>
</tr>
</tbody>
</table>

## Expenses

<table>
<thead>
<tr>
<th>Category</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Insurance</td>
<td>$3,200.00</td>
</tr>
<tr>
<td>Administrative</td>
<td>15,970.00</td>
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<tr>
<td>Vernon</td>
<td>3,000.00</td>
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<tr>
<td>Aguascalientes</td>
<td>2,500.00</td>
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<tr>
<td>Vijayawada</td>
<td>2,500.00</td>
</tr>
<tr>
<td>Khmelnitsky</td>
<td>3,000.00</td>
</tr>
<tr>
<td>Kurume</td>
<td>5,000.00</td>
</tr>
<tr>
<td>Laval</td>
<td>1,000.00</td>
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<tr>
<td>Mengzi</td>
<td>4,800.00</td>
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<tr>
<td>Fundraiser</td>
<td>500.00</td>
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<tr>
<td><strong>Total</strong></td>
<td><strong>$41,470.00</strong></td>
</tr>
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</table>

<table>
<thead>
<tr>
<th>Category</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Total Expenses</strong></td>
<td><strong>$34,040.00</strong></td>
</tr>
<tr>
<td><strong>Total Income</strong></td>
<td><strong>$41,470.00</strong></td>
</tr>
<tr>
<td><strong>Amount for reserve</strong></td>
<td><strong>$7,430.00</strong></td>
</tr>
</tbody>
</table>
Modesto Sister Cities International Highlights 2007

Aguascalientes

- October 2007- Micheal and Janet Maxwell travel to Aguascalientes for the 423rd Anniversary Celebration of the city.

Khmelnitsky

- September 2007- Modesto delegation travel to Khmelnitsky to celebrate the 20th anniversary of our sister city agreement. The delegation included 2 members of the original delegation from 1987.
- October 2007- Delegation from Khmelnitsky travels to Modesto to celebrate the 20th anniversary of our sister city agreement. The delegation included several city officials, teachers, artists and businessmen.

Kurume

- July/August 2007 – Kurume/Modesto Youth Exchange.
- October 2007 – Delegation from Kurume visits Modesto to celebrate the 15th anniversary of our sister city agreement. The delegation included Mayor Eto and Chairman Ishibashi from the Kurume City Council as well as the extraordinary Bridgestone Jazz Band.

Vernon

- July 2007 – Brenda Brannon travels to Vernon and meets with new Mayor, artists, musicians and the RCMP detachment all hoping to make a trip to Modesto.
- October 2007 – Delegation from Vernon visits Modesto to celebrate the 25th anniversary of our sister city agreement. The delegation included Mayor Wayne Lippert and City Councilor Jack Gilroy along with many other wonderful citizens of Vernon.

Vijayawada

- June 2007 – Dinner and movie cultural event/membership drive held at India Palate.
- October 2007 – Committee provides items and support for City of Modesto Cultural awareness week.
<table>
<thead>
<tr>
<th>Date</th>
<th>Event</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>11&lt;sup&gt;th&lt;/sup&gt; - 21&lt;sup&gt;st&lt;/sup&gt;</td>
<td>Kurume students in Modesto</td>
<td>Kurume Youth Exchange</td>
</tr>
<tr>
<td>12&lt;sup&gt;th&lt;/sup&gt;</td>
<td>Welcome Party for Kurume Students</td>
<td>Graceada Park, Modesto</td>
</tr>
<tr>
<td>20&lt;sup&gt;th&lt;/sup&gt;</td>
<td>Sayonara Party for Kurume Students</td>
<td>McHenry Mansion</td>
</tr>
<tr>
<td>12&lt;sup&gt;th&lt;/sup&gt;</td>
<td>Board of Directors Meeting</td>
<td>6PM Tenth Street Place, room 2005</td>
</tr>
<tr>
<td>21&lt;sup&gt;st&lt;/sup&gt; - 1&lt;sup&gt;st&lt;/sup&gt; October</td>
<td>Modesto delegation to visit Khmelnitsky in celebration of 20&lt;sup&gt;th&lt;/sup&gt; anniversary</td>
<td></td>
</tr>
<tr>
<td>7&lt;sup&gt;th&lt;/sup&gt;</td>
<td>International Festival’s Celebration of International Music and Dance</td>
<td>Gallo Center</td>
</tr>
<tr>
<td>8&lt;sup&gt;th&lt;/sup&gt; - 12&lt;sup&gt;th&lt;/sup&gt;</td>
<td>Delegation from Mengzi to visit Modesto</td>
<td></td>
</tr>
<tr>
<td>9&lt;sup&gt;th&lt;/sup&gt; - 21&lt;sup&gt;st&lt;/sup&gt;</td>
<td>Delegation from Khmelnitsky visits Modesto in celebration of 20&lt;sup&gt;th&lt;/sup&gt; anniversary</td>
<td></td>
</tr>
<tr>
<td>11&lt;sup&gt;th&lt;/sup&gt;</td>
<td>Reception in honor of the Khmelnitsky delegation and celebrating the 20&lt;sup&gt;th&lt;/sup&gt; anniversary</td>
<td>McHenry Mansion</td>
</tr>
<tr>
<td>19&lt;sup&gt;th&lt;/sup&gt; - 23&lt;sup&gt;rd&lt;/sup&gt;</td>
<td>MSCI President visits Aguascalientes for 432&lt;sup&gt;nd&lt;/sup&gt; anniversary of city</td>
<td></td>
</tr>
<tr>
<td>26&lt;sup&gt;th&lt;/sup&gt;</td>
<td>Welcome Dinner for Vernon 25&lt;sup&gt;th&lt;/sup&gt; anniversary delegation</td>
<td>McHenry Museum</td>
</tr>
<tr>
<td>27&lt;sup&gt;th&lt;/sup&gt;</td>
<td>Softball game between Vernon and Modesto</td>
<td>Davis Park Field</td>
</tr>
<tr>
<td>27&lt;sup&gt;th&lt;/sup&gt;</td>
<td>Concert featuring Modesto’s Home Grown and Kurume’s award-winning Bridgestone Band</td>
<td>Downey High School Auditorium</td>
</tr>
<tr>
<td>28&lt;sup&gt;th&lt;/sup&gt;</td>
<td>Softball game between Kurume and Modesto Rotarians</td>
<td>Davis Park Field</td>
</tr>
<tr>
<td>28&lt;sup&gt;th&lt;/sup&gt;</td>
<td>Reception in honor of the Kurume delegation and celebrating 15&lt;sup&gt;th&lt;/sup&gt; Anniversary</td>
<td>McHenry Mansion</td>
</tr>
<tr>
<td>28&lt;sup&gt;th&lt;/sup&gt;</td>
<td>Farewell Dinner for Vernon 25&lt;sup&gt;th&lt;/sup&gt; anniversary delegation</td>
<td>McHenry Museum</td>
</tr>
</tbody>
</table>
April 2007

Richard and Josephine Navarro, Paul and LuAnn Kuehn and John Church represented the city of Modesto and Modesto Sister Cities International and travelled to Aguascalientes, Mexico to join our sister city in celebrating the Feria de San Marcos.

The delegation was warmly greeted by two members of the Aguascalientes sister city organization. They enjoyed a larger dinner reception hosted by the mayor of the city of Aguascalientes and later that evening the group attended a bull fight as guests of the mayor. The delegation attended a city council meeting and were recognized and greeted by the council. They were also presented with certificates of welcome and friendship and met afterwards as a small group with the mayor and a sister city group from City of Commerce, California. Gifts and commitments of continued friendship were exchanged. Later that afternoon the group enjoyed a gracious luncheon at a country villa owned by one of the sister city families.

The MSCI delegation and the sister city group from City of Commerce met with the governor of the state of Aguascalientes in his offices. As with the mayor, they exchanged gifts, expressions of friendship and continued commitment in our relationship as sister cities and friends. The group attended a bull fight in the evening, a dinner reception with the governor and a concert.

Other items on their itinerary included a visit to a Rotary group during their monthly meeting, a trip to Isla de Cristo Roto (a monument located in the small village of San Jose’ de Gracia), the Feria de San Marcos parade, a visit to the newly built state agriculture center, a cultural performance of music and ballet as well as many dinner and social gatherings with delegates from the state and city of Aguascalientes, City of Commerce and the Aguascalientes Sister City Organization.

October 2007

Michael and Janet Maxwell represented the city of Modesto and Modesto Sister Cities International and travelled to Aguascalientes, Mexico to join our sister city in celebrating its 432 anniversary. The Maxwell’s were able to meet with the outgoing Mayor of Aguascalientes as well as the newly elected Mayor and attend a council meeting. In addition, they met with the members of the Aguascalientes sister city organization and were introduced to their newly elected president. The Maxwell’s were also able to accompany the sister city group from City of Commerce, CA on their tours of an orphanage and senior care center. Preliminary plans were developed to combine the resources of the organizations to provide some humanitarian aid to facilities like these in the Aguascalientes area.
Oscar Ardans was elected in January as the new chair for the Khmelnitsky committee and much of the early part of the year was spent repairing contacts with the sister city organization and planning the events for the anniversary celebrations in the fall.

**MODESTO DELEGATION VISIT TO KHMELENITSKY SEPTEMBER 2007**

Seven representatives of Modesto, Gene Palsgrove, Cam McCune, Bill Bishop, Garrad and Dallas Marsh, and Jennifer and Oscar Ardans arrived in Kiev on September 22nd. They were met by an old friend Raisa Naugolnaya and taken by bus to Khmelnitsky. The countryside was beautiful. The leaves were turning gold and yellow, the grass very green and it was warm, sunny and humid. They were treated like royalty with receptions, gatherings and events to celebrate the 20th anniversary. The group met many old friends and made lots of new ones.

The Modesto group spent one day at Kamenzet Padlusk, a couple of days in Lvov, and two days in Kiev. They visited with the Mayor and presented our gifts from Modesto. They also visited the Children’s Hospital where Jennifer gave out medical supplies which had been donated by Modesto physician Dr. Andy Jaramillo. School #1 gave them a wonderful welcome with flowers from the children and the ceremonial bread and salt. The students entertained them with singing and dancing and music. Several poets who had written poems for the Stanislau’s Connections newspaper were recognized for their creativity and recited them.

**KHMELENITSKY DELEGATION VISIT TO MODESTO OCTOBER 2007**

A seven member delegation from Khmelnitsky visited Modesto in October 2007. The delegation included:

- Leskov, Valeriy
- Cherevchenko, Ludmila
- Bukhal, Ivan
- Naugolnaya, Rozaliya
- Skorupska, Olena
- Korbut, Anatolii
- Baldin, Anatoliy

Six host families were gracious in giving of their time and their homes to provide home-stays for the delegation members. Several Ukrainian immigrants, Halyna Petrechko, Maria Lypetka, Dmitry Kozlov, Igor and David Ivasevych, and Vadim and Serge Ivaschenko, who all live in Modesto gave freely of their time and linguistic talent and helped the committee immensely during the visit. Other committee members arranged pot-luck dinners and provided transportation. Without this wonderful group of people the visit could not have been so successful.
Modesto/Khmelnitskiy celebrate 20 years of people-to-people peace and friendship

By TINA ARNOPOLE DRISSEL

"In terms of ideologies and government policies that divide us as nations and peoples, we must learn to survive by working together through communication and the sharing of resources and skills to promote respect and understanding," says Gene Palsgrove, founding member of the Modesto Sister Cities International Khmelnitskiy Committee. "Either we understand we are all on the same planet earth and learn to work together or the future of the human family is dismal... but I'm optimistic!"

Modesto Sister Cities International (MSCI) is a non-profit, community-based, volunteer organization promoting international understanding, friendship, and peace between nations. The U.S. Sister City program originated in 1956 when President Eisenhower proposed a people-to-people citizen diplomacy initiative. MSCI continues to promote international understanding through programs originated at the community level.

Modesto currently has 5 sister cities: Aguarascalientes, Mexico; Khmelnitskiy, Ukraine; Karume, Japan; Vernon, Canada and Vijayawada, India. MSCI also aids Stanislaus County with its county-to-county relationship with La Mayenne, France and is actively pursuing a sister city relationship with that department's largest city, Laval. In addition, investigation was begun in the fall of 2005 on an association with Mengzi, China.

Palsgrove will join other representatives of MSCI in late September as people-to-people ambassadors to Khmelnitskiy, Ukraine, when the two cities celebrate twenty years of cultural, educational, governmental, medical, business, legal, agricultural, building trades, engineering, student and other people-to-people exchanges. A group from Khmelnitskiy will make a reciprocal visit to Modesto in October.

The same month will include exchanges between Vernon as part of a 25th anniversary celebration and with Karume, which has a 15-year relationship with MSCI.

In 1985, Palsgrove was instrumental in shepherding Modesto toward joining together with other cities in peace and friendship as part of the local Peace Retreat Committee, an ad hoc group of folks interested in working toward global peace in response to the critical period of nuclear saber rattling and political tension between the United States and the former Soviet Union.

Dr. Henry Tyler, past president of Modesto Junior College, learned that Ground Zero in Portland, Oregon had taken on the task of pairing some 1300 Soviet cities with cities in the US and had matched Modesto with Khmelnitskiy.

Upon learning of this endeavor the Peace Retreat group embraced the opportunity and after several unsuccessful attempts to reach citizens of Khmelnitskiy, 25 local delegates joined together for a visit in April of 1985. Cameron McCune, then principal at Roosevelt Junior High School and a travel agent, and Gene Palsgrove organized the trip to the USSR and our paired city.

Although they had no response from Khmelnitskiy before their arrival, "it is interesting," says Palsgrove, that "with all the hostility our governments showed, there was no hostility from there. The people showed intense curiosity and had much admiration for the people of the United States."

Two years after the initial visit a letter arrived at a Modesto post office in January, 1987 which was passed along to the Peace Retreat Committee announcing the mayor, a doctor and a teacher-translator from Khmelnitskiy would be visiting Modesto in the hope of signing a Sister Cities agreement.

The process needed to organize Modesto Sister Cities Khmelnitskiy Committee was accomplished over the next several months, and with the blessing of Mayor Peggy Mensinger and the city council, a second group traveled to Ukraine in August 1987 to sign the final agreement. Mayor Mensinger and Khmelnitskiy Mayor Bukat became very close friends during the ensuing years.

Palsgrove estimates that between 100 and 200 area residents have visited Khmelnitskiy and that close to that number have visited here. Palsgrove reports that these and other Ukrainian visitors have been overwhelmed by our technology and retail wealth.

"The program," he emphasizes, "is about communication and understanding, and that both cities have benefited greatly through the building of trust, cultural awareness, friendship and peace."

Medical donations alone have had "a profound effect on the people of Khmelnitskiy," says Hety Vencill. She, Jennifer Azano, R.N., and many others have arranged for the transportation, installation, and implementation of a large number of medical supplies, equipment and technical advice.

Palsgrove points out that most major US cities have a sister city in the former Soviet Union, and he believes that although President Ronald Reagan liked to take credit for bringing down the Berlin Wall and the reign of Communism in the Soviet Union, the climate for peace largely was done through the work of hundreds of people to people programs like Sister Cities.

"It's been a great adventure," claims Palsgrove. "I hope we continue to have a relationship with Khmelnitskiy" far into the future.

He sees the war in Iraq and numerous other global situations as much more dangerous than the threat of the former Soviet Union, and he feels these cannot be addressed through violence. He believes "a deeper level is needed to promote communication, understanding and respect."

ACTION Contact www.moderostocitypartners.com to learn more, become active as an MSCI volunteer.
The Khmelnytsky delegation visits Mayor Ridenour's office.
Kurume Committee Annual Report for 2007

March 29, 2007
Junior high students from Kurume who were being hosted by families in the Bay Area San Francisco came to Modesto for the day. Their itinerary included visiting the flower clock, meeting the Mayor, McHenry Mansion, etc. They visited MJC West and had lunch at the Mary Stuart Rodgers building. They also had a great tour of Enochs High School. Board member Cathy Line was able to be their tour guide for the day and also talked to them about the exchange they could be a part of in a few years.

July/August 2007
The Committee took 10 Modesto students to Kurume and hosted 23 Kurume guests for another wonderful cultural experience. We had a great turn out at our Welcome and Sayonara parties. We visited Kyoto, Nara, and Kobe this year on our two night overnighter and while we were there, Kurume experienced a typhoon. In Kobe, we had extreme wind and rain which was interesting because the temperature never dropped. We were able to obtain a scholarship in the amount of $500 from the Soroptimists to provide some financial aid to two students from Modesto for the trip. Due to family circumstances, one of the students chosen was not able to make the trip so the scholarship money was given to only one student. She attended a Soroptimist luncheon on August 22, 2007 to talk to them about her experience in Japan.

October 2007
In early October, a pre-delegation group visited to make plans for the larger delegation’s visit at the end of October. In addition to planning the delegation visit, they attended Oktoberfest and spent a day touring Yosemite.

The weekend of October 27-29, 2007 we celebrated our 15th anniversary with Kurume by welcoming 32 visitors from Japan, including Mayor Eto, the Chairman of the City Council and the Bridgestone Jazz Band. The delegation was split into two groups, the musicians and those with the mayor. Micheal Maxwell entertained the musicians group and they spent the better part of the afternoon preparing for the Saturday evening concert at Downey High School. The concert was really the highlight of the weekend. The Band was fabulous and they were able to play with Modesto’s Home Grown, who has gone to Kurume for the celebration of the 10th anniversary. The committee served dinner to the band backstage and served cookies and water at the intermission to the guests.

Nancy Holmes hosted the mayor’s group, whose itinerary included a trip to Beekman and Beckman’s (honey and wine tasting) and Robert’s Ferry Nut Company where they were told all about growing almonds while standing in the middle of an orchard. They even had time for a very brief stop at the new Raley’s on Roselle before getting them back downtown for their dinner reservation.

Sunday morning started off with a baseball game pitting Modesto Rotarians against the Kurume team at Davis Park and after the game there was pizza at Mountain Mikes.
Modesto Youth visiting Japan during summer youth exchange.

Kurume Youth at McHenry Mansion during summer youth exchange.
SISTER CITIES: Japanese band takes stage

CONTINUED FROM B.1

people they know.

Sunday evening’s reception at the McHenry Mansion and other activities this weekend marked the 15th anniversary of the sister cities agreement between Modesto and Kurume.

Kurume’s award-winning Bridgestone Band performed Saturday night at the Downey High School auditorium. The concert also featured a performance from Home Grown of Modesto.

The Japanese band, made up of employees of the Bridgestone Tire Co. in Kurume, plays swing, jazz and tunes from the Big Band era.

Thirty-eight delegates from Kurume made the trip.

Modesto Sister Cities International also welcomed a group from Vernon, British Columbia, Canada, over the weekend. Representatives of the two cities exchanged gifts and enjoyed a dinner, softball game and a public reception Sunday evening at the McHenry Museum.

Maxwell said he has made 15 trips to Japan, taking Modesto residents on visits as well as young people involved in exchange programs. Young people from Kurume have made regular visits to Modesto.

“We have touched a lot of lives in Modesto and Kurume with these exchanges,” Maxwell said.

Leading the delegation from Kurume was Mayor Morikuni Eto and City Council Chairman Tsutomu Ishibashi. Both said they were pleased Modesto continues to grow.

Many Japanese cities are declining because of the nation’s large elderly population.

Kurume has the Modesto City Council beat in terms of sheer numbers, however. Its City Council has 42 members compared to Modesto’s seven.

With so many council members, Kurume city government meetings are more like a state legislative session here.

Kurume brought its city government baseball team to Modesto for a game.

Shohei Kurata, a shoe wholesaler in Japan, said Sunday that despite the busy schedule this week, he set aside time to watch the World Series. Of course, he favored the Boston Red Sox with starting pitcher Daisuke Matsuzaka and reliever Hideki Okajima, both of Japan.

October has been a busy month for Modesto Sister Cities International, a volunteer group that maintains relationships with five sister cities. A delegation from Khmelnytskyi, Ukraine, was here this month, too.

Maxwell said the organization felt obliged to accommodate the travel schedules of the three cities. “It’s been a whirlwind,” he said.

AT A GLANCE

WHAT: Modesto hosted a weekend of delegations from sister cities Kurume, Japan, and Vernon, British Columbia, Canada.

WHAT THEY DID: Softball games, dinner, concert, gift exchange and the opening of a time capsule.

OTHER FRIENDS: Modesto also has sister-city relationships with Khmelnytskyi, Ukraine, Vijaywada, India, and Aguascalientes, Mexico.
Vernon Mayor Wayne Lippert

Vernon delegation softball game against the Modesto team.
Vijayawada committee members at the Dinner & Movie Membership drive.

Vijayawada display at 10th Street Place for the City of Modesto’s Cultural Awareness Week
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<tr>
<td>MARY LOMAX VP – Aguascalientes, Mexico</td>
<td>2112 Park Ridge Drive Riverbank, CA 95367 Spouse-Brian</td>
<td>869-3068 After 5:30pm or leave message</td>
<td>Enoch's High School</td>
<td>550-3410</td>
<td>614-8127</td>
<td><a href="mailto:lomaxma@yahoo.com">lomaxma@yahoo.com</a></td>
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<tr>
<td>OSCAR ARDANS VP – Khmel'nitskiy, Ukraine</td>
<td>1439 River Road Modesto, CA 95351 Spouse-Jennifer</td>
<td>521-5876</td>
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<td><a href="mailto:ardanso@charter.net">ardanso@charter.net</a></td>
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<tr>
<td>NANCY HOLMES VP - Kurume, Japan</td>
<td>2304 Shortline Ct Modesto, CA 95350</td>
<td>578-2872 (#3)</td>
<td>YCCD 2201 Blue Gum Ave. Modesto, CA 95358</td>
<td>575-6568 (#2)</td>
<td>765-9290 (#1)</td>
<td><a href="mailto:holmesn@yosemite.edu">holmesn@yosemite.edu</a></td>
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<tr>
<td>BRENDA BRAN NON VP – Vernon B.C., Canada</td>
<td>4205 Frost Way Modesto, CA 95356</td>
<td>545-2905</td>
<td>Bank of Stockton 415 E. Miner Ave Stockton, CA 95202</td>
<td>929-1620</td>
<td>606-1912</td>
<td><a href="mailto:Blewbrannon@aol.com">Blewbrannon@aol.com</a> <a href="mailto:bbrannon@bankofstockton.com">bbrannon@bankofstockton.com</a></td>
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<tr>
<td>JAMES BUSSE Y VP – Vernon B.C., Canada</td>
<td>2420 Van Layden Way Modesto, CA 95355</td>
<td>527-6016</td>
<td>Model A Technology 2420 Van Layden Way Modesto, CA 95356</td>
<td>575-3445</td>
<td>988-0096</td>
<td><a href="mailto:JBmodel@inreach.com">JBmodel@inreach.com</a></td>
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<tr>
<td>VIDHU MEHRA Co - VP – Vijayawada, India</td>
<td>844 Cedar Ridge Drive Turlock, CA 95382</td>
<td>667-9779</td>
<td>Brown Elementary School 400 Georgetown Turlock, CA 95380</td>
<td>634-7321</td>
<td>277-4362</td>
<td><a href="mailto:shivme@sbcglobal.net">shivme@sbcglobal.net</a></td>
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<tr>
<td>TOM DURBIN Co - VP – Vijayawada, India</td>
<td>275 East Minnesota #151 Turlock, CA 95382</td>
<td>668-1840 Best time pm but try anytime</td>
<td>Cal State University 801 West Monte Vista Turlock, CA 95382</td>
<td>687-3556</td>
<td><a href="mailto:tdurbin@csustan.edu">tdurbin@csustan.edu</a></td>
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<tr>
<td>JOHN MENSINGER VP - Laval/Mayenne, France</td>
<td>1629 Edgebrook Drive Modesto, CA 95354 Spouse-Julia</td>
<td>522-4256</td>
<td>President, American Lumber Co. 1231 Ninth Street Modesto, CA 95350</td>
<td>578-5200</td>
<td>602-4515</td>
<td><a href="mailto:Jmensinger@4x6.com">Jmensinger@4x6.com</a></td>
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<td>RICHARD NAVARRO</td>
<td>2012 Sandpoint Drive</td>
<td>577-3275</td>
<td>Insurance Agent</td>
<td>526-2194</td>
<td>602-5636</td>
<td><a href="mailto:navarror13@sbcglobal.com">navarror13@sbcglobal.com</a></td>
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<td>Member at Large</td>
<td>Modesto, CA 95358</td>
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<td>State Farm Insurance</td>
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<td>BARBARA ST. URBAIN</td>
<td>4108 Five Mile Drive</td>
<td>478-6584</td>
<td>International Student Program</td>
<td>575-6012</td>
<td>603-5365</td>
<td><a href="mailto:sturbainb@mjc.edu">sturbainb@mjc.edu</a></td>
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<tr>
<td>Member at Large</td>
<td>Stockton, CA 95219</td>
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<td>Modesto Junior College</td>
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<td>Modesto, CA 95350</td>
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<tr>
<td>MICHELE GORDON</td>
<td>2222 Autumn Moon Way</td>
<td>669-6985</td>
<td>Program Manager</td>
<td>669-6985</td>
<td>617-3534</td>
<td><a href="mailto:mgordon_msci@charter.net">mgordon_msci@charter.net</a></td>
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<tr>
<td>Program Manager</td>
<td>Turlock, CA 95382</td>
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MODESTO CITY COUNCIL
RESOLUTION NO. 2008-094

A RESOLUTION AUTHORIZING THE PURCHASING MANAGER TO CONDUCT A SOLE SOURCE PROCUREMENT OF FIVE (5) CLEAIRE “LONGVIEW” FILTER SYSTEMS FOR THE PUBLIC WORKS DEPARTMENT, FLEET SERVICES DIVISION, FROM CUMMINS WEST, INC., SAN LEANDRO, CA AND AUTHORIZING THE PURCHASING MANAGER TO ISSUE A PURCHASE ORDER FOR A TOTAL ESTIMATED COST OF $95,915.

WHEREAS, on November 27, 2007, Council approved Resolution No. 2007-714, authorizing the purchase of five (5) new urban transit buses, and

WHEREAS, in order for these buses to be put into service once they arrive, staff must first retro fit five (5) existing buses as required by the State of California Air Resources board (CARB) Amendment 20231.1, and

WHEREAS, this CARB requirement benefits the public by reducing emissions in the environment and works towards improving air quality for the citizens of Modesto and the rest of California, and

WHEREAS, the Cleaire “Longview” emission reduction catalyst/diesel particulate filter system is the only system approved by CARB for transit buses, and

WHEREAS, on January 8, 2008, Council approved Resolution No. 2008-035, authorizing the Purchasing Manager to issue formal Request for Bids (RFB) for the sole brand procurement of five (5) Cleaire “Longview” emission reduction catalyst/diesel particulate filter systems, and authorizing the Purchasing Manager to issue a purchase order to the lowest responsive and responsible bidder, and

WHEREAS, City staff has determined that the Cleaire “Longview” diesel particulate filter systems can only be purchased and installed by Cummins West, Inc., San Leandro, CA, and
WHEREAS, the City must retrofit the existing five (5) buses with Cleaire “Longview” diesel particulate filter systems prior to putting the five (5) recently purchased new transit buses into service, and

WHEREAS, this purchase and installation will allow the City to be in compliance with CARB Amendment 20231.1, and

WHEREAS, Modesto Municipal Code (MMC) Section 8-3.203 generally requires all purchases, which meet or exceed $50,000 for material, equipment, or contractual services to be formally bid, and

WHEREAS, one exception to the formal bid process, MMC Section 8-3.204(b), states, “where the purchasing agency’s requirements can be met solely by a single article or process”, and

WHEREAS, the sole source purchase of five (5) Cleaire “Longview” filter systems for the Public Works Department, Fleet Services Division from Cummins West, Inc., San Leandro, CA conforms to the Modesto Municipal Code, and

WHEREAS, funds are budgeted and available in the following account for the purchase of Cleaire “Longview” diesel particulate filters for FY 07/08, account number 6510-165-1678-5946, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the Purchasing Manager to conduct a sole source procurement of five (5) of Cleaire “Longview” filter systems for the Public Works Department, Fleet Services Division from Cummins West, Inc., San Leandro, CA,

BE IT FURTHER RESOLVED that the Purchasing Manager is hereby authorized to issue a purchase order for an estimated total cost of $95,915.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of February, 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]

APPROVED AS TO FORM:

By: [Signature]

SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2008-095

A RESOLUTION AUTHORIZING STAFF TO NEGOTIATE A REDUCED TIP FEE WITH GILTON SOLID WASTE FOR PRE-GROUND MATERIALS FROM NON-CITY SOURCES DELIVERED TO THE CITY OF MODESTO COMPOSTING FACILITY, AND AUTHORIZING THE ACTING DIRECTOR OF PARKS, RECREATION AND NEIGHBORHOODS TO EXECUTE A MEMORANDUM OF UNDERSTANDING WITH GILTON SOLID WASTE.

WHEREAS, the City of Modesto’s Compost Facility at 7001 Jennings Road has been in operation since 1997, and

WHEREAS, in the 9 years since it began operation, the Facility has processed approximately 350,000 tons of green waste and other compostable materials, diverting this material from landfills and earning the City valuable AB 939 diversion credits and saving garbage ratepayers over $5 million because the cost of composting is about half the cost of putting materials in a landfill, and

WHEREAS, in July, 2004 the Council adopted Resolution 2004-367, establishing the Compost Facility as a separate Enterprise Fund, and because Enterprise Funds must be self supporting, the resolution also set tip fees for materials delivered to the Facility at $18.35 per ton for green waste and other compostables and $6.50 per ton for biosolids, and

WHEREAS, revenues derived from tip fees and product sales fully fund Facility operations, enabling it to be separated from the Wastewater Fund, and

WHEREAS, in December, 2005, compost operations were transferred from the Wastewater Division of Public Works to the Solid Waste Division of the Parks, Recreation and Neighborhoods Department, and
WHEREAS, to ensure that pruned refuse would continue to be delivered to the facility and protect the volume and quality of the finished compost, the Council also approved setting tip fees for pruned refuse at $6.50 per ton, based on the benefits this material has to the end product and facility economics, and

WHEREAS, in FY 2006-2007, the facility received about 66,000 tons of materials from various sources, and the permitted capacity of the Facility is 130,000 tons a year, leaving an available capacity of about 64,000 tons, and

WHEREAS, the Solid Waste Division recently received a letter from Gilton Resource Recovery, which also operates a composting facility, requesting that the City consider charging it a reduced tip fee for materials from non-City sources that would be delivered to the Compost facility in a clean, “ready to windrow” condition, and stating that it could deliver 20,000 to 30,000 tons per year to the City site and that a tip fee of $9.50 per ton would be appropriate, because the material would not have to be ground, and

WHEREAS, although the $9.50 per ton reduced price for additional materials proposed by Gilton Resource Recovery is less than the $12.78 per ton processing cost for materials that don’t have to be ground, the increase in revenue from additional finished product would more than offset the difference in tip fee revenue, and

WHEREAS, staff is recommending that the Council consider authorizing staff to negotiate a reduced per ton tip fee somewhere in between the $9.50 that Gilton initially proposed and the $12.78 Compost Enterprise cost of processing materials that do not need grinding with Gilton Resource Recovery for the delivery of additional materials to the Compost Facility that do not require grinding, and
WHEREAS, the Solid Waste Advisory Committee met on November 16, 2007, and took no action due to a lack of quorum,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby authorizes staff to negotiate a reduced tip fee with Gilton Solid Waste for pre-ground materials from non-City sources delivered to the City of Modesto Composting Facility.

BE IT FURTHER RESOLVED that the Acting Director of Parks, Recreation and Neighborhoods, or her designee, is hereby authorized to execute the agreement.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of February, 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

Attest: STEPHANIE LOPEZ, Acting City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2008-096

A RESOLUTION AFFIRMING THE CITY'S CO-SPONSORSHIP OF "EARTH DAY IN THE PARK FESTIVAL, 2008" AT GRACEADA PARK AND ALLOWING THE SALE OF MERCHANDISE IN THE PARK DURING THE EVENT

WHEREAS, in 1970, Earth Day was established to make the public aware of programs successful in protecting the environment and conserving natural resources, and

WHEREAS, on March 24, 1992, by Resolution No. 92-129, the City Council acknowledged "Earth Day in the Park" as an annual event, and

WHEREAS, the Citizens Advisory Committee on Recycling (CACOR) sponsors the event, and

WHEREAS, the 19th Annual "Earth Day in the Park" will be held on Saturday, April 19, 2008, at Graceada Park, and

WHEREAS, the 2008 event will host a corresponding E-Waste and Household Hazardous Collection Event at nearby Modesto Junior College, East Campus, and

WHEREAS, the 2008 event will also host a corresponding Community Clean Up Project on Saturday, April 12, 2008, and

WHEREAS, the main event provides a forum for merchants to display and sell their "environmentally friendly" merchandise, and for the creation of a "festival atmosphere", while giving the public an opportunity to make purchases of positive benefit to the environment, and

WHEREAS, "Earth Day in the Park Festival, 2007" had over 100 vendor booths, and approximately 8,000 attendees, and

WHEREAS, as in prior years' events, the Committee seeks Council approval for the sale of merchandise in the Park during the event,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby affirms the City’s co-sponsorship of “Earth Day in the Park Festival, 2008”, at Graceada Park and Modesto Junior College.

BE IT FURTHER RESOLVED by the Council that it hereby approves the sale of merchandise at Graceada Park during the “Earth Day in the Park Festival, 2008” event.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of February, 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

(SEAL)

APPROVED AS TO FORM:

By _______________________________

SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2008-097

A RESOLUTION ACCEPTING THE WORK BY CUNNINGHAM & SONS, INC. FOR THE PROJECT TITLED “MERLE AVENUE AND MAID MARIANE LANE ROUNDABOUT IMPROVEMENTS” 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 PERIOD, AND AUTHORIZING PAYMENT OF AMOUNTS TOTALING $169,691.90

WHEREAS, a report has been filed by the Public Works Director that the project titled “Merle Avenue and Maid Mariane Lane Roundabout Improvements” has been completed by Cunningham & Sons, Inc. in accordance with the contract agreement dated May 22, 2007,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the project titled “Merle Avenue and Maid Mariane Lane Roundabout Improvements” is hereby accepted as complete from said contractor Cunningham & Sons, Inc. 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 period, and that payment of amounts totaling $169,691.90 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 12th day of February 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

ATTEST: __________________________

STEPHANIE LOPEZ, Acting City Clerk (SEAL)
A RESOLUTION APPROVING AN AGREEMENT FOR THE ACQUISITION OF A PORTION OF A PARCEL OF LAND ALONG FLOYD AVENUE JUST WEST OF FINE AVENUE (3725 FLOYD AVENUE) OWNED BY WADE AND NERIE RAMEY (APN: 085-018-062), INCLUDING A TEMPORARY CONSTRUCTION EASEMENT (TCE), TO BE PURCHASED BY THE CITY OF MODESTO FOR THE FLOYD AVENUE WIDENING PROJECT BETWEEN ROSELLE AVENUE AND FINE AVENUE IN THE AMOUNT OF $120,000, AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT.

WHEREAS, on October 3, 2006, the City Council by Resolution 2006-637 previously approved the Capital Improvement Program that included Project #X512, “Floyd Avenue between Roselle Avenue and Fine Avenue,” and

WHEREAS, this project includes right-of-way acquisition, design, construction, construction administration and contingency for the roadway improvements, and

WHEREAS, per the Village One Facilities Master Plan, this section of Floyd Avenue is to be widened from 2 lanes to 4 lanes and will include curb, gutter, sidewalks, median and landscaping, and

WHEREAS, in order to expand Floyd Avenue and for the project to proceed as planned, it is necessary that the City acquire in fee a 6,565 square foot strip of property in the planned right-of-way at 3725 Floyd Avenue (APN 085-018-062), and

WHEREAS, an additional 1,560 square feet of land is needed for a temporary construction easement to construct the project, and

WHEREAS, on November 7, 2007, the Council adopted Resolution No. 2007-658 finding that the Floyd Avenue Widening Project between Roselle Avenue and Fine Avenue is within the scope of the previously certified Village One Specific Plan Program.
EIR, as amended by the Village One Supplemental EIR and the addendum to the EIR (SCH No. 90020181), and

WHEREAS, on November 7, 2007, the Council adopted Resolution No. 2007-665 determining that the public interest and necessity require the acquisition of the subject property interests and directing the commencement of eminent domain proceedings to condemn the subject property for the Floyd Avenue Widening project,

WHEREAS, the City Council directed staff to continue to negotiate with Wade and Nerie Ramey to purchase the portion and interests in their property as described herein above for the Floyd Avenue Widening project, and

WHEREAS, Wade and Nerie Ramey agreed to accept the sum of $120,000 as full compensation for the required right-of-way and temporary construction easement and other property interests to be acquired,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement between the City of Modesto and Wade and Nerie Ramey (APN 085-018-062) to purchase the necessary real property and temporary construction easement for the Floyd Avenue Widening Project Between Roselle Avenue and Fine Avenue in the amount of $120,000.

BE IT FURTHER RESOLVED that the Interim City Manager, or his designee, are 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 12th day of February, 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

APPROVED AS TO FORM:

______________________________

SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2008-099

A RESOLUTION AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO SIGN ACCEPTANCE FORMS FOR THE GRANT DEED FOR THE ACQUISITION OF A PORTION OF THE PARCEL ALONG FLOYD AVENUE JUST WEST OF FINE AVENUE (3725 FLOYD AVENUE) OWNED BY WADE AND NERIE RAMEY (APN: 085-018-062), INCLUDING A TEMPORARY CONSTRUCTION EASEMENT TO THE CITY OF MODESTO FOR THE FLOYD AVENUE WIDENING PROJECT BETWEEN ROSELLE AVENUE AND FINE AVENUE.

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

WHEREAS, the City of Modesto desires to acquire a portion of a parcel for the Floyd Avenue Widening Project between Roselle Avenue and Fine Avenue owned by Wade and Nerie Ramey (APN: 085-018-062),

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Interim City Manager, or his designee, is hereby authorized to sign acceptance forms on behalf of the City of Modesto for one (1) Grant Deed for the acquisition of a portion of a property owned by Wade and Nerie Ramey (APN: 085-018-062) and one (1) Temporary Construction Easement (APN 085-018-062) for the Floyd Avenue Widening Project between Roselle Avenue and Fine Avenue.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of February, 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:

SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2008-100

A RESOLUTION APPROVING A STORMWATER MANAGEMENT AND MAINTENANCE AGREEMENT BETWEEN KAISER FOUNDATION HOSPITALS AND THE CITY OF MODESTO RELATED TO THE MANAGEMENT AND MAINTENANCE OF STORMWATER FACILITIES AT AND ADJACENT TO THE NEW KAISER HOSPITAL ON DALE ROAD AT BANGS ROAD, AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, Kaiser Foundation Hospitals (Developer) is in the process of developing a new hospital facility located at the southwest corner of Dale Road and Bangs Road, commonly known as Kaiser Modesto Hospital, and

WHEREAS, Developer entered into a Development Agreement with the City of Modesto (City), and

WHEREAS, Section 4.05(a)(5)(i) of said Development Agreement requires Developer to enter into a Stormwater Management and Maintenance Agreement with City, and

WHEREAS, Developer and City have reached agreement as to the plans for management and maintenance of related stormwater facilities,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Stormwater Management and Maintenance Agreement between Kaiser Foundation Hospitals and the City of Modesto.

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 12th day of February 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:  

APPROVED AS TO FORM:

By:  

SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2008-101

A RESOLUTION APPROVING AN AGREEMENT WITH CH2MILL IN THE AMOUNT OF $41,100 TO PERFORM A WASTEWATER TREATMENT PLANT (WWTP) LAND APPLICATION SYSTEM STUDY, AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT.

WHEREAS, the City currently has a total of 2,526 acres that are dedicated for use as the Jennings Road Ranch and is irrigated with secondary treated wastewater and seasonal segregated cannery process water, and

WHEREAS, the City’s Waste Discharge Requirements (WDR) issued by the Regional Water Quality Control Board (Regional Board) regulates the application of treated effluent to land, and

WHEREAS, the City’s current WDR specifies a loading regulation for wastewater land disposal, reclamation, and segregation of cannery process water, and

WHEREAS, wastewater land disposal is limited to 50 lbs per acre per day as a 30-day average over the irrigation area in use of Biochemical Oxygen Demand (BOD), and

WHEREAS, the segregation of cannery process water cannot exceed 100 lbs of BOD per acre per day as a seasonal average over the disposal area in use, and

WHEREAS, the current loading limit is a constraint for growth of industry within the City Sewer Service District, and

WHEREAS, the Wastewater Treatment Plant (WWTP) Land Application System Study will assist the City by evaluating the range of potential limitations to increased flows and BOD loading from the canneries, followed by developing two irrigation alternatives for the City to consider in future operations, and
WHEREAS, CH2MILL is a highly reputable consulting firm that provides water and wastewater engineering services, and

WHEREAS, staff selected CH2MILL to provide these services based on its experience in performing similar tasks for cities with land applications systems (like the City’s ranchland disposal system), and

WHEREAS, another consulting firm was considered to provide these services; however, CH2MILL’s experience and approach is more inline with the needs of the City and wet industries, and

WHEREAS, the cost of the study is $41,100, and

WHEREAS, funds are being transferred under separate Council Action from Wastewater Reserves (5210-800-8000-8003) to Wastewater Treatment Secondary (6210-480-5214-0235) to fund this study,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an agreement with CH2MILL in the amount of $41,100 to perform a Wastewater Treatment Plant (WWTP) Land Application System Study.

BE IT FURTHER RESOLVED that the Council hereby authorizes the Interim City Manager, or his designee, to execute the Agreement.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of February, 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: Step	 Haniez (Seal)

APPROVED AS TO FORM:

BY: Susana Alcala Wood, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2008–102

A RESOLUTION AUTHORIZING THE TRANSFER OF $41,100 FROM WASTEWATER RESERVES (6210-800-8000-8003) TO WASTEWATER TREATMENT SECONDARY (6210-480-5214-0235) TO FUND THE CH2MHILL AGREEMENT FOR THE WASTEWATER TREATMENT PLANT LAND APPLICATION SYSTEM STUDY.

WHEREAS, the City currently has a total of 2,526 acres that are dedicated for use as the Jennings Road Ranch and is irrigated with secondary treated wastewater and seasonal segregated cannery process water,

WHEREAS, the City’s Waste Discharge Requirements (WDR) issued by the Regional Water Quality Control Board (Regional Board) regulates the application of treated effluent to land,

WHEREAS, the City’s current WDR specifies a loading regulation for wastewater land disposal, reclamation and segregation of cannery process water,

WHEREAS, wastewater land disposal is limited to 50 lbs per acre per day as a 30-day average over the irrigation area in use of Biochemical Oxygen Demand (BOD),

WHEREAS, the segregation of cannery process water cannot exceed 100 lbs of BOD per acre per day as a seasonal average over the disposal area in use,

WHEREAS, the current loading limit is a constraint for growth of industry within the City Sewer Service District,

WHEREAS, the Wastewater Treatment Plant (WWTP) Land Application Study will assist the City by evaluating the range of potential limitations to increased flows and BOD loading from the canneries, followed by developing two irrigation alternatives for the City to consider in future operations,

WHEREAS, the cost of the study is $41,100,
WHEREAS, the transfer of funds from Wastewater Reserves (5210-800-8000-8003) to Wastewater Treatment Secondary (5210-480-5214-0235) is necessary to fund the WWTP Land Application System Study.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the transfer of $41,100 from Wastewater Reserves (6210-800-8000-8003) to Wastewater Treatment Secondary (6210-480-5214-0235) to fund the CH2MHILL Agreement for the Wastewater Treatment Plant Land Application System.

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 12th day of February, 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. 2008-103  

A RESOLUTION APPROVING AN AMENDMENT TO THE AGREEMENT WITH CAROLLO ENGINEERS, P.C. (CAROLLO) FOR FINAL DESIGN SERVICES FOR PHASE 1A TERTIARY WASTEWATER TREATMENT FACILITY PROJECT TO INCLUDE ALTERNATIVE ULTRA VIOLET (UV) DISINFECTION SYSTEM DESIGN IN AN AMOUNT NOT TO EXCEED $72,095, AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT TO AGREEMENT  

WHEREAS, the City of Modesto operates and maintains a secondary treatment system and wastewater reclamation facility at 7007 Jennings Road, and  

WHEREAS, based on the analysis prepared for the Wastewater Master Plan, the City expects that tertiary treatment will be required to meet anticipated regulatory requirements, and  

WHEREAS, due to the lengthy process of implementing a full-scale tertiary facility, a phased approach is underway that will allow the City to comply with expected regulatory issues and continue with development within a short timeframe, and  

WHEREAS, the City Council, on February 13, 2007, by Resolution 2007-110, approved an Agreement with Carollo Engineers, P.C. (Carollo) to complete the 35% design effort and a Preliminary Design Report (PDR) for the Phases 1A and 1B Tertiary Treatment Facilities Project, and  

WHEREAS, the PDR serves as the basis of design for the two phases, and  

WHEREAS, the City Council, on June 26, 2007, by Resolution 2007-379 approved the final PDR as complete, and  

WHEREAS, the City Council, on July 3, 2007, by Resolution 2007-408, approved an Agreement with Carollo for Final Design of the Phase 1A Tertiary Wastewater Treatment Facility Project, and
WHEREAS, Carollo has completed 90 percent design documents for Phase 1A Tertiary Treatment that include a medium-pressure in-vessel ultraviolet (UV) disinfection system selected to provide the lowest initial capital cost, and

WHEREAS, since this time, vendor costs have changed and there is the potential for a low-pressure in-vessel ultraviolet (UV) disinfection system to be a competitive alternative to the medium-pressure system based on lifecycle cost, and

WHEREAS, additional work is required in order to include the low-pressure in-vessel system as a bid alternative, and

WHEREAS, City staff has requested Carollo to prepare nine additional drawings, as well as a second UV system specification to be completed for an amount not to exceed $72,095,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Amendment to Agreement with Carollo Engineers, P.C. (Carollo) for Final Design Services for Phase 1A Tertiary Wastewater Treatment Facility Project to include alternative ultra violet (UV) disinfection system design in an amount not to exceed $72,095.

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 12th day of February, 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. 2008-104

A RESOLUTION APPROVING THE FILING OF AN APPLICATION TO THE
STANISLAUS LOCAL AGENCY FORMATION COMMISSION TO ANNEX
APPROXIMATELY 1.87 ACRES OF PROPERTY LOCATED ON THE
NORTHEAST CORNER OF TEMPERATE AND MERCY AVENUES TO THE
CITY OF MODESTO AND MODESTO SEWER DISTRICT NO. 1 AND TO
DETACH SAID PROPERTY FROM THE WOODLAND FIRE PROTECTION
DISTRICT (OWNER INITIATED – UNINHABITED)

WHEREAS, Temperate Enterprises, LLC (applicant) represents Philip Layman,
the owner of approximately 1.87 acres of real property, located on the northeast corner of
Temperate and Mercy Avenue (“Property”), and

WHEREAS, the City has received a written request from the applicant to initiate
annexation 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, Government Code Section 56650 provides that proceedings to
initiate a change of organization to annex additional territory to a City may be initiated by
Resolution of Application or Petition, and

WHEREAS, the Property proposed to be annexed is uninhabited, 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, and

WHEREAS, the subject territory proposed to be annexed 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, before an annexation application may be heard by LAFCO, there
must be an agreement with the County providing for the sharing of property taxes
following an annexation, and

WHEREAS, the proposed annexation 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, the proposed Property is not subject to a Williamson Act contract,
pursuant to Government Code Section 51200, et seq, and

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

(a) The annexation of said property, as set forth on Exhibits “A” and “B”
attached hereto, to the City of Modesto.
(b) The annexation of said property, as set forth on Exhibits “A” and “B”
attached hereto, to the Modesto Sewer District No. 1.
(c) The detachment of said property from the Woodland Fire Protection
District, and

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

(a) Staff has received a written request signed by the property owners to
annex their properties to the City of Modesto.
(b) The proposed annexation is within the existing Sphere of Influence and is
consistent with the Urban Area General Plan and can be most efficiently
served by City services.
(c) The proposed annexation will result in the public improvements necessary
to bring Mercy Avenue into conformance with City Standards.
(d) The proposed annexation will result in orderly planning and use of land
resources because future residential development on the site will be
consistent with the existing residential uses in the area.

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, an Initial Study (Environmental Assessment No. EA/C&ED 2007-22) was prepared by the City of Modesto that analyzed whether the proposed subsequent project may cause any significant effect on the environment that was not examined in the MEIR, and

WHEREAS, the Planning Commission held a duly noticed public hearing to consider the proposed application for annexation on June 4, 2007, at 7:00 p.m. in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California and recommended adoption of a Resolution of Application to annex the property, and

WHEREAS, on February 12, 2008, at 5:30 p.m., in the Tenth Street Place Chambers at 1010 Tenth Street, Modesto, California, the City Council held a duly noticed public hearing to consider the proposed Resolution of Application for annexation of the Property.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Modesto hereby finds and determines as follows:

1. That the proposed annexation and this Resolution of Application are consistent with the Modesto Urban Area General Plan, because they are 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 annexation is consistent with the General Plan.

2. The type of project under consideration is described in Chapter II of the MEIR and is within the scope of the MEIR (SCH No. 1999082041), which analyzed the potential impacts of build out of the Baseline Development Area.

3. All applicable policies, regulations, and mitigation measures identified in the Master EIR have been applied to the project or have otherwise been made conditions of approval of the project.
4. That the proposed subsequent project will have no additional significant effect as defined in CEQA Section 21158 that was not identified in the MEIR.

5. That no new or additional mitigation measures or alternatives are required.

6. The Initial Study, Environmental Assessment No. EA/C&ED 2007-22, provides the substantial evidence to support findings 2-5 above.

7. The Property proposed to be annexed to the City of Modesto is uninhabited, 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.

8. The Property is located within Stanislaus County, and is within the City’s existing Sphere of Influence, is contiguous to the existing City limits and can be most efficiently served with City services.

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

10. 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.

11. The Property is not subject to a Williamson Act Contract pursuant to Government Code Section 51200, et seq.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that it hereby adopts this Resolution of Application to annex the Property to the City of Modesto and Modesto Sewer District No. 1 and to detach the Property from the Woodland Fire Protection District.

BE IT FURTHER RESOLVED by the City Council of the City of Modesto that:

1. All owners of land within the affected Property have given their written consent to the reorganization and therefore, pursuant to California Government Code Section 56663 (c)(1), the City Council consent to waiver of conducting authority proceedings.

2. Pursuant to Government Code Section 56653, the City Council shall submit the plan for providing services as set forth in Exhibit “C,” attached hereto and by this reference incorporated herein.
The foregoing resolution was introduced at a regular meeting of the
Council of the City of Modesto held on the 12th day of February, 2008, by
Councilmember Hawn, 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: 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
Lot 3 in Block 6 of Pleasant Homes, as shown on the map thereof recorded on August 17th, 1922, in Volume 9 of Maps, page 67, Stanislaus County Records.
Exhibit "B"

ANNEXATION PROPOSAL MAP

LOCATION OF PROPOSED ANNEXATION

AREA MAP OF PROPOSED ANNEXATION

P-ANX-06-001
Exhibit "C"

PLAN FOR SERVICE

2519 TEMPERATE REORGANIZATION
PLAN FOR PROVIDING SERVICES

Pursuant to Government Code Section 56653, the following Plan for Services to be extended to the affected territory has been prepared for the 2519 Temperate Reorganization.

The project site is part of the Baseline Developed Area, as described in the Modesto Urban Area General Plan, adopted August 15, 1999, and amended March 4, 2003. As part of the approval, community facilities and services were analyzed in detail in Initial Study Environmental Checklist (C&ED No. 2007-22). These services include traffic and circulation, waste water collection, water delivery, storm water drainage, solid waste disposal, schools, parks, fire protection, and police protection. The City of Modesto is a full service city that intends to provide the following services.

1. **Traffic and Circulation**: The bulk of the external roadway network is already constructed. The applicant or developer must provide minor dedication and construct roadway improvements along the project frontages to City standards.

2. **Waste Water Collection**: Upon reorganization, the site will annex to Modesto's Sewer District No. 1. Sewer service will be provided to the subject site from an existing six-inch line in Mercy Avenue adjacent to the site. The City does not anticipate a substantial demand for service at this site. Service will be extended upon development of the site at no cost to the City, as existing City fees will cover the cost.

3. **Water Delivery**: There is an adequate quantity of water to serve the residential development expected to occur on the property. The site will be served from an existing eight-inch water line in Mercy Avenue and an existing eight-inch water line in Temperate Avenue.

4. **Storm Water Drainage**: Storm water drainage for this project will be collected in existing rock wells near the project site. The rock wells have adequate capacity to serve the subject property.

5. **Solid Waste Disposal**: Weekly pickup will be extended to the annexation area upon the effective date of annexation.

6. **Fire Protection**: Upon reorganization, the annexation area will be detached from the Woodland Fire Protection District. The Modesto Fire Department has indicated that it can provide adequate service to the subject site following annexation.
7. Police Protection: The Modesto Police Department has indicated that it is able to provide adequate service to the subject site following annexation.

Level and range of services
The City of Modesto is a full service provider of municipal services and intends to provide the complete service for those areas identified above.

When can services be provided?
The above-described services can be provided upon the effective date of annexation.

Improvements required as a condition of reorganization
Roadway Dedication and Improvements necessary to bring Mercy and Temperate Avenues into conformance with City Standards.

How will services be financed?
Services will be financed through City fees.
MODESTO CITY COUNCIL
RESOLUTION NO. 2008-105

A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS WITHIN THE SCOPE OF THE PROJECT COVERED BY THE MODESTO URBAN AREA GENERAL PLAN MASTER ENVIRONMENTAL IMPACT REPORT (SCH NO. 1999082041): AMENDING SECTION 25-3-8 OF THE ZONING MAP TO PREZONE TO PREZONED LOW-DENSITY RESIDENTIAL ZONE (P-R-I), APPROXIMATELY 1.87 ACRES OF PROPERTY LOCATED ON THE NORTHEAST CORNER OF TEMPERATE AND MERCY AVENUES AND ANNEX SAID PROPERTY TO THE CITY OF MODESTO AND THE MODESTO SEWER DISTRICT NO. 1 AND DETACHMENT FROM THE WOODLAND FIRE PROTECTION DISTRICT (OWNER INITIATED – UNINHABITED)

WHEREAS, on August 15, 1995, by Resolution No. 95-409, the City Council of the City of Modesto certified the Master Environmental Impact Report (“EIR”) for the Modesto Urban Area General Plan (SCH No. 1999082041), and

WHEREAS, on March 4, 2003, by Resolution No. 2003-122, the City Council of the City of Modesto certified the amendments to the Master EIR for the Modesto Urban Area General Plan (SCH No. 1999082041), and

WHEREAS, Temperate Enterprises, LLC, has filed an application requesting that 1.87 acres of property located on the northeast corner of Temperate and Mercy Avenues (“Property”) be prezoned to Prezoned Low-Density Residential, (P-R-I), and

WHEREAS, the City of Modesto proposes to prezone the Property as requested and adopt a Resolution of Application to the Stanislaus County Local Agency Formation Commission for a proposed reorganization to annex the Property to the City of Modesto and the Modesto Sewer District No.1 and to detach the Property from the Woodland Fire Protection District, and

WHEREAS, the proposed prezoning designation and the Resolution of Application are hereafter collectively referred to as “the Projects”, and
WHEREAS, Section 21157.1 of the Public Resources Code, relating to reviewing subsequent projects for a Master EIR, states that the lead agency shall prepare an Initial Study on any proposed subsequent project to analyze whether the subsequent project may cause any significant effect on the environment that was not examined in the Master EIR and whether the subsequent project was described in the Master EIR as being within the scope of the project, and

WHEREAS, the City’s Community and Economic Development Department by Environmental Assessment Initial Study EA/C&ED 2007-22 reviewed the proposed amendment to the Zoning Map to prezone to P-R-1 project to determine whether the project is within the scope of the project covered by the Modesto Urban Area General Plan Master EIR, and made the determination that the proposed project will have no additional significant effect on the environment that was not identified in the Master EIR and, further, that no new or additional mitigation measures or alternatives are required, and that therefore, the proposed project is within the scope of the project covered by the Master EIR, and

WHEREAS, in accordance with CEQA guidelines on January 21, 2008, the City caused to be published a 20-day notice of the City’s intent to make a finding that the proposed project conforms with the Master EIR, and

WHEREAS, said matter was considered by the City Council at a duly noticed public hearing which was held on February 12, 2008, at 5:30 p.m., in the Tenth Street Place Chambers, 1010 Tenth Street, Modesto, California,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it has reviewed and considered the Initial Study prepared for the proposed Projects, a copy of which it attached hereto as Exhibit "A" and incorporated herein by reference, and based on the substantial evidence included in said Initial Study makes the following findings:

1. The type of Projects under consideration are described in Chapter II of the Master EIR.

2. All applicable policies, regulations, and mitigation measures identified in the Master EIR have been applied to The Projects or have otherwise been made conditions of approval of The Projects.

3. An Initial Study was prepared by the City of Modesto that analyzed whether the proposed subsequent project may cause any significant effect on the environment that was not examined in the MEIR. It has been determined that the project was described in the MEIR and is within the scope of the MEIR (SCH No. 1999082041), which analyzed the potential impacts of build out of the Baseline Developed Area.

4. Based on the Initial Study, the City of Modesto finds and determines:
   a. That the proposed subsequent project will have no additional significant effect as defined in CEQA Section 21158 that was not identified in the MEIR.
   b. That no new or additional mitigation measures or alternatives are required.

5. The Initial Study, Environmental Assessment No. EA/C&ED 2007-22, provides the substantial evidence to support findings 1 through 4, above.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Community and Economic Development Director is hereby authorized and directed to file a notice of determination within five (5) business days with the Stanislaus County Clerk, pursuant to Section 21152 of the Public Resources Code.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of February, 2008, by Councilmember Hawn, 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: 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
City of Modesto

Finding of Conformance to General Plan Master EIR:

Initial Study C&ED No. 2007-22

For the proposed

2519 Temperate Reorganization
(Temperate Enterprises LLC, Applicant)

Prepared by:
City of Modesto
Community & Economic Development Department
Planning Division

May 7, 2007
City of Modesto
Master EIR Initial Study Checklist

I. PURPOSE

CEQA allows for the limited environmental review of subsequent projects under the City's Master EIR. This Initial Study Checklist is used in determining whether the 2517 Temperate Reorganization is "within the scope" of the project analyzed in the Modesto Urban Area General Plan Master EIR (SCH# 1999082041) (Public Resources Code section 21157.1). When the Initial Study supports this conclusion, the City will issue a finding of conformity.

A subsequent project is "within the scope" of the Master EIR when:

1. It will have no additional significant effects on the environment that were not addressed as significant effects in the Master EIR; and

2. No new or additional mitigation measures or alternatives are required.

"Additional significant effects" means a project-specific effect that was not addressed as a significant effect in the Master EIR. (Public Resources Code Section 21158(d))

The determination must be based on substantial evidence in the record. "Substantial evidence" means facts, reasonable assumptions predicated upon facts, or expert opinion based on facts. It does not include speculation or unsubstantiated opinion. (State CEQA Guidelines Section 15384)

City staff consulted with appropriate Responsible Agencies and City Departments regarding potential environmental impacts associated with this project. Any significant comments and conditions are incorporated into this Initial Study. The City's MEIR (SCH# 1999082041) was also consulted which lists both General Plan policies and mitigation measures for each area of environmental study.

II. PROJECT DESCRIPTION

A. Title: 2519 Temperate Reorganization

B. Address or Location: Northeast corner of Temperate and Mercy Avenues in a County "island" within the City of Modesto's Sphere of Influence

C. Applicant: Temperate Enterprises
   1628 Culpeper Avenue, Ste. A
   Modesto, Ca. 95351

D. Application Contact Person: Dave Romano

City Project Manager: Josh Bridegroom, Senior Planner
E. Current General Plan Designation(s): (R), Residential

F. Current Zoning Classification(s): Stanislaus County has zoned the property A-2-10, Residential; the property is prezoned (P)M-1 (Light Residential)

G. Surrounding Land Uses:
   West: Residential
   North: Residential
   East: Large Lot Residential
   South: Large Lot Residential

H. Project Description, including the project type listed in Section II.C (Anticipated Future Projects) of the Master EIR:

This is an application to prezone to P-R-1 (Low-Density Residential) and annex 1.87 acres to the City of Modesto, Modesto Municipal Sewer District #1, and Modesto's Fire District and detach from the Woodland Fire Protection District to provide for the development of a seven-lot, single-family home subdivision. The subdivision is not part of the current application. The applicant will need to submit a separate application to subdivide the property, once the annexation has been approved.

I. Other Public Agencies Whose Approval is Required:

   Local Agency Formation Commission
III. FINDINGS/DETERMINATION (SELECT ONE ON THE BASIS OF THE ANALYSIS IN SECTION IV)

1. **Within the Scope** - The project is within the scope of the Master EIR and no new environmental document or Public Resources Code Section 21081 findings are required. The following items are found to be true:

   A. The type of project is described in Chapter II of the Master EIR.

   B. All applicable policies, regulations, and mitigation measures identified in the Master EIR have been applied to the project or otherwise made conditions of approval of the project.

   C. An Initial Study was prepared by the City of Modesto that analyzed whether the proposed subsequent project may cause any significant effect on the environment that was not examined in the MEIR and it has been determined that the project was described in the MEIR as being within the scope of the MEIR.

   D. Based on the Initial Study, the City of Modesto finds and determines:
      a) The proposed subsequent project will have no additional significant effect as defined in CEQA Section 21158 that was not identified in the MEIR.
      b) No new or additional mitigation measures or alternatives are required.

2. **Mitigated Negative Declaration Required** - On the basis of the above determinations, the project is not within the scope of the Master EIR. A mitigated negative declaration will be prepared for the project. The following items are found to be true:

   A. The type of project is described in Chapter II of the Master EIR.

   B. All applicable policies, regulations, and mitigation measures identified in the Master EIR have been applied to the project or otherwise made conditions of approval of the project.

   C. The project will have one or more potential new significant effects on the environment that were not addressed as significant effects in the Master EIR. New or additional mitigation measures are being required of the project that will reduce the effects to a less-than-significant level.

3. **Focused EIR Required** - On the basis of the above determinations, the project is not within the scope of the Master EIR. A Focused EIR will be prepared for the project. The following items are found to be true:

   A. The type of project is described in Chapter II of the Master EIR.

   B. All applicable policies, regulations, and mitigation measures identified in the Master EIR have been applied to the project or otherwise made conditions of approval of the project.

   C. The project will have one or more new significant effects on the environment that were not addressed as significant effects in the Master EIR. New or additional mitigation measures or alternatives are required as a result.

Project Manager

Senior Planner

Date
4. Within the Scope Analysis of this Document:

The Master EIR permits projects to be found within the scope of the MEIR if certain criteria are met. Basically, if the following statements are found to be true for all 20 sections of this Initial Study, then the project was covered by the MEIR analysis and is within the scope of the MEIR. Any "No" response must be discussed.

(1) The lead agency for subsequent projects shall be the City of Modesto or a responsible agency identified in the Master EIR.  
[ ] YES  [ ] NO  

(2) City policies which reduce, avoid or mitigate environmental effects, will continue to be in effect and therefore would be applied to subsequent projects where appropriate. The policies are described in the list of policies in place and mitigation measures attached to this document.  
[ ] YES  [ ] NO  

(3) Federal, State, Regional and Stanislaus County regulations do not change in a manner that is less restrictive on development than current law (i.e., would not offer the same level of protection assumed under the Master EIR).  
[ ] YES  [ ] NO  

(4) No specific information concerning the known or potential presence of significant resources is identified in future reports, or through formal or informal input received from responsible or trustee agencies or other qualified sources.  
[ ] YES  [ ] NO  

(5) The development will occur within the boundaries of the City’s planning area as established in this Urban Area General Plan.  
[ ] YES  [ ] NO  

(6) Development within the project will comply with all mitigation measures identified in the General Plan Master EIR.  
[ ] YES  [ ] NO  

Discussion:

(1) The City of Modesto is the Lead Agency for processing the requested land use entitlements (i.e.: rezoning and annexation).

(2) The subject project proposes improvements to a site located within the Baseline Developed Area. The site is comprised of three lots which are occupied by a total of five dwellings and various accessory buildings.

(3) The Master EIR was last updated in March 2003. Since that update, there have been no changes to Federal, State, Regional and County regulations that have not resulted in less restrictive regulations.

(4) The subject site, 1.87 acres designated in the Urban Area General Plan as R (Residential), is proposed to be annexed to the City of Modesto. After the application proposals were referred to Trustee Agencies, no significant resources are identified in this proposal.

(5) The subject area is located within the Modesto Urban Area General Plan in the Baseline Developed Area, as shown on Figure II-1 on page II-8 in the General Plan. All appropriate mitigation measures as listed in the Master EIR and attached to this document are incorporated into the project.
(6) A Global list of General Plan Policies and Mitigation Measures was reviewed (which is attached to this document) and appropriate Mitigation Measures will be required as part of the project’s approval.

IV. ENVIRONMENTAL ANALYSIS

This Initial Study, in accordance with Section 21157.1(b) of the Public Resources Code, analyzes whether this project may cause any project-specific significant effect on the environment that was not examined in the Final Master EIR (MEIR) for the General Plan and whether new or additional mitigation measures or alternatives may be required as a result. The Initial Study thereby documents whether or not the project is "within the scope" of the Master EIR.

Pursuant to Public Resources Code Section 21157.1, no new environmental document or findings are necessary for projects that are determined to be within the scope of the MEIR. Adoption of a Finding of Conformity after completion of the Initial Study fulfills the City’s obligation in that situation.

All environmental effects cited reflect 2025 build out of the Urban Area General Plan as identified in the MEIR.

The Master EIR for the General Plan organizes its analysis of environmental impacts into eighteen subject areas. The following analysis is based on the impact analyses contained in Chapter V of the Master EIR. For ease of cross-reference, the sections are numbered in the same order as the analyses in Chapter V.

In addition to the 18 Master EIR subject areas, the Initial Study checklist addresses the issues of land use/planning and aesthetics. The reason for including these additional issues is to ensure that consideration is being given to the full range of subjects of importance contained in Appendix G of the CEQA Guidelines. The format for the land use/planning and aesthetics sections differs from that of the other 18 subject areas since these two subjects were not addressed as distinct subjects in the Master EIR.

1. TRAFFIC AND CIRCULATION

a. Significant Effects Identified in the Master EIR

The Master EIR identified the following significant and unavoidable traffic and circulation impacts:

Effect: Increased traffic will result in certain roadway segments operating at LOS D or worse.

Effect: The Substantial increase in traffic relative to the existing load and capacity of the street system will cause, violation, either individually or cumulatively, of an LOS standard established by the County CMP for designated roads and highways.

Effect: Creation of need for Capacity-enhancing modifications to existing facilities.

Effect: Increase in energy consumption associated with the operation of highway projects, rail improvements, and aviation facilities.

Effect: Severe contrast with existing neighborhood or area character caused by highway and transit projects.
b. Master EIR and/or New Mitigation Measures Applied to the Project

Traffic and Circulation mitigation measures that are pertinent to this project are found on MEIR pages V-1-6 through V-1-21. All feasible measures appropriate to the project – including any new measures - will be incorporated into or made conditions of approval of this project and will be listed in Section IV, Mitigation Measures Applied to Project.

Discussion:

The Master EIR for the Urban Area General Plan included the subject site. The annexation of property designated for residnetial uses is consistent with the Master EIR. No new or additional mitigation measures or alternatives are required for the project. The project will incorporate appropriate conditions of approval that satisfy City development standards.

c. Project-Specific Effects

Section V-1.B of the MEIR provides analysis of Traffic and Circulation impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not previously analyzed in the MEIR.

Significance Criteria: A subsequent development project will have a new significant effect on the environment if it would exceed the following criteria:

Where a project exceeds an additional 100 ADT contribution, as compared to the analysis in the Master EIR, a site access study will be conducted to determine to what extent the project would exceed the year 2025 level of service (LOS) expected for the adjoining roadways under the Master EIR. The site access study will recommend new, project-specific mitigation measures. Where the project also exceeds the Master EIR's traffic generation assumption, as determined by Engineering and Transportation staff, a comprehensive traffic study will be required that will include off-site traffic impact analysis.

YES NO

(1) The project would contribute more than an additional 100 average daily trips (ADT) to adjoining roads and generates more trips than assumed for their general plan land use category and zoning in the Master EIR. City Engineering & Transportation Staff will review the project to determine whether the project contributes more than 100 ADT thresholds. Such Projects are presumed to generate more trips than assumed by the Master EIR. ☐ X

(2) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment). ☐ X

(3) Result in inadequate emergency access. ☐ X

(4) Result in inadequate parking capacity. ☐ X
Discussion:

(1) The project was referred to the Engineering and Transportation Division of the Public Works Department. Staff did not cite the need for a site access study.

(2) The project was referred to the Engineering and Transportation Department and the Transportation Division commented that the City’s Standards Specifications require the abutting street network to be dedicated and improved to full City Street Standards when development is approved for the site. As a result, there will be no increase in hazards due to a design feature. Incompatible uses, such as farm equipment, are not anticipated through this annexation or future residential development that may occur on the property following annexation.

(3) The project was referred to the City of Modesto Police and Fire Departments. The City Fire Marshal and the Police Department indicated that those departments are able to provide adequate service to the site. When development is approved, specific conditions will be applied to that future development to ensure compliance with City development standards.

(4) Annexation and prezoning will have no effect on parking in the area. Future development on the site will be required to comply with City standards for parking.

2. AIR QUALITY

a. Significant Effects Identified in the Master EIR

The Master EIR identified the following significant environmental impacts relative to air quality:

Effect: Projected traffic levels will result in increased ambient carbon monoxide (CO) levels in the project area. This is a significant and unavoidable impact.

Effect: Projected traffic levels will result in increased ROG and NOx levels in the project area. This is a significant and unavoidable impact.

These are also cumulative impacts on air quality.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Air Quality mitigation measure(s) pertinent to the project being analyzed in this Initial Study are found on pages V-2-11 through V-2-18 in the MEIR. All feasible measures appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section IV, Mitigation Measures Applied to Project.

Discussion:

Construction impacts would be less than significant with implementation of Mitigation Measure Air-1 (page V-2-24 in the MEIR). No new or additional mitigation measures or alternatives are required for the project. The project will incorporate appropriate conditions of approval that satisfy City development standards.

c. Project-Specific Effects
Section V-2.B of the MEIR provides analysis of Air Quality impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not previously analyzed in the MEIR.

Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

1. The project exceeds the emissions thresholds established for CO and NOx by the San Joaquin Valley Unified Air Pollution Control District's (SJVUAPCD) adopted CEQA Guidelines.

2. The project does not incorporate the best management practices for PM10 reduction established by the SJVUAPCD.

3. The project does not comply with the air quality policies of the Modesto Urban Area General Plan.

4. The project would expose sensitive receptors to substantial pollutant concentrations.

5. The project would create objectionable odors affecting a substantial number of people.

Discussion:

1. The project was referred to the San Joaquin Valley Unified Air Pollution Control District who determined that the project would not have a significant effect on the ambient air quality.

2. Any subsequent application for development of the site with residential uses will be made to incorporate the best management practices for PM10 reduction established by the SJVUAPD (see mitigations measure above).

3. Applicable General Plan Policies will be applied to the project. Therefore, project-specific effects will be less than significant for this impact (see mitigations measures above).

4. The project is not a significant contributor to pollution levels. The main source of pollution that would come with future residential development is traffic related. Since the traffic impacts are within the scope of the MEIR, as supplemented by the MND, so are the traffic-related pollution concentration impacts. PM10 emissions created through the construction phase will be mitigated as called for by the MEIR by the measure listed above.

5. The proposed project will not produce objectionable odors.
3. NOISE

a. Significant Effects Identified in the Master EIR

The Master EIR identified the following significant and unavoidable environmental impacts relative to noise:

Effect: Traffic noise levels for future conditions in the plan area have the potential to result in exceedances of the City's Noise Significance Standards (see Table 3-3 MEIR).

Effect: Noise level projections based on the traffic levels anticipated in the General Plan indicate that noise will exceed the City's General Plan and noise ordinance standards.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Noise policies and mitigation measures pertinent to the project being analyzed in this Initial Study are found on pages V-3-9 through V-3-15 of the MEIR. All feasible measures appropriate to the project will be incorporated into or made conditions of approval of this project and any new measures are listed in Section IV, Mitigation Applied to Project.

Discussion:

The residential development that may occur following this annexation will be within the scope of the General Plan MEIR with respect to noise. The only significant noise that would occur as a result of the residential development on the site would be the temporary increase in noise levels as a result of construction activities. However, the MEIR provides mitigation measures N-4, N-5 and N-6 to address this impact. These will be carried down as conditions of approval on any subsequent application to develop the project with residential uses.

c. Project-Specific Effects

Section V-3.B of the MEIR provides analysis of noise impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not previously analyzed in the MEIR.

Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

1. The project will exceed the standards for noise level and hours of operation established by the Modesto noise ordinance.
2. The project will exceed the noise policies of or otherwise be inconsistent with the Modesto Urban Area General Plan.
3. The project will result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project.
4. The project will result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project.

YES NO

□ X

□ X

□ X

□ X
Discussion:

(1) The residential development that may occur following annexation will be required to comply with the standards for noise level and hours of operation established by the Modesto noise ordinance.

(2) The project is consistent with the noise policies of the General Plan. The noise mitigation measures called for by the General Plan MEIR will be incorporated into future residential development on the site.

(3) The only permanent noise levels that may be produce by subsequent residential development would be associated with traffic. The increased traffic levels are within the scope of what the MEIR, as supplemented by the MND, assumed for the site. Therefore, this project will not result in a substantial permanent increase in ambient noise levels.

(4) The project will not result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity. There will be some construction related noise associated with subsequent residential development, but the noise mitigation measures called for by the General Plan will be incorporated into the conditions of approval for the project. The impact is less than significant.

4. AGRICULTURAL LANDS

a. Significant Effects Identified in the Master EIR

The Master EIR identified the following significant environmental impacts related to agricultural lands:

Effect: Development within the urbanized Baseline Developed Area and Redevelopment Area will have a less-than-significant impact on agricultural lands.

Effect: Conversion of agricultural land will occur as available developable land is occupied within the City. This is a significant and unavoidable impact.

Effect: Growth within Modesto’s planning area would contribute considerably to the loss of agricultural land within Stanislaus County. This is a significant and unavoidable cumulative impact.

b. Master EIR and/or New Mitigation Measures Pertinent to the Project

Agricultural Land mitigation measure(s) pertinent to the project being analyzed in this Initial Study are found on pages V-4-4 through V-4-8 in the MEIR.

Discussion:

The subject property is designated for Residential use and is not in agricultural production. The project site is also shown as lying within the Baseline Developed Area, as shown on page II-8 in the Urban Area General Plan. Policy AL-17 (MEIR, page V-4-7) states that if a subsequent project is within the Baseline Developed Area, the project is considered to have a minimal effect on the conversion of agricultural land and no mitigation is required. Thus, no new or additional mitigation measures or alternatives are required for the project.
c. Project-Specific Effects

Section V-4.B of the MEIR provides analysis of Agricultural Lands impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not previously analyzed in the MEIR.

Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

1. The project is inconsistent with the Modesto Urban Area General Plan. ☐ X
2. The project will directly result in the development of land outside the March 2003 planning area boundaries. ☐ X
3. The project will conflict with existing zoning for agricultural use, or a Williamson Act contract. ☐ X
4. The project will involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland to non-agricultural use. ☐ X

Discussion:

1. The Modesto Urban Area General Plan designates the site as R, Residential. No change in the Residential designation is proposed. The site is proposed to be rezoned to (P)R-1 and the site would be developed with Residential uses.
2. The subject site is within the March, 2003, planning area boundary.
3. The site is not zoned for agriculture, nor is there a Williamson Act contract on the property.
4. The site is in the Baseline Developed Area, and, thus, is considered to have a minimal effect on the conversion of agricultural land.

5. WATER SUPPLY

a. Significant Effects Identified in the Master EIR

The Master EIR identified the following significant environmental impacts relative to water supply:

Effect: Urban Area General Plan policies are established to limit groundwater extractions to the safe yield of the aquifer and thereby avoid aquifer overdraft. In addition, the UWMP requires that new urban development would proceed in conjunction with the availability of water supplies and distribution facilities. It is assumed that any increased entitlement of surface water supplies such as a water transfer from another water purveyor would undergo independent environmental review pursuant to CEQA. This is a less-than-significant impact.
Effect: Development to the future projected City population would require expansion of the MRWTP to its full 60 mgd capacity, development of additional groundwater wells, and construction of additional water distribution and treatment facilities. Construction of some of the required facilities would most likely require site-specific environmental impact assessments to be conducted under CEQA. Consequently, the potential environmental impacts of the Urban Area General Plan are considered less than significant.

Effect: During drought years, despite available options, significant water shortages are forecast for the San Joaquin River basin by 2020. Modesto will have a cumulatively considerable contribution to the cumulative impact on water supply under drought conditions. This is a significant and unavoidable cumulative impact.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Water Supply mitigation measure(s) pertinent to the project being analyzed in this Initial Study are found on pages V-5-7 through V-5-8 of the MEIR. All feasible measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section IV, Mitigation Measures Applied to Project.

Discussion:

No mitigation measures from the MEIR are required to be applied to the project. No new or additional mitigation measures or alternatives are required for the project. Subsequent residential development that may occur will be required to incorporate appropriate conditions of approval that satisfy City development standards.

c. Project-Specific Effects

Section V-5.B of the MEIR provides analysis of Water Supply impacts on development of the General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not previously analyzed in the MEIR.

Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

(1) The project is inconsistent with the Modesto Urban Area General Plan. YES NO □ X

(2) Sufficient water supplies are not available to serve the project from existing entitlements and resources, new or expanded entitlements are needed. □ X

Discussion:

(1) The subject site is designated as Residential in the Modesto Urban Area General Plan. It is located in an area that is developed with Residential uses. The proposed prezoning and annexation and are consistent with the City's General Plan.

(2) There is an adequate quantity of water to serve the Residential use expected to occur on the property, as demonstrated by a Will Serve letter dated (3 November, 2006) solicited by the applicant and provided by the City of Modesto, the water purveyor for the area..
6. SANITARY SEWER SERVICES

a. Significant Effects Identified in the Master EIR

The Master EIR identified the following significant environmental impacts relative to sanitary sewer services:

Effect: The City has already begun to implement the provisions of the Wastewater Master Plan (WMP) to meet future demand for sanitary sewer services. As City wastewater treatment facilities are expanded to meet the needs of the Baseline Developed, Redevelopment, and Planned Urbanizing Areas, the City will obtain the necessary wastewater discharge and NPDES permits from the Central Valley RWQCB, as required under Urban Area General Plan Policy V-D.2(a)(MEIR mitigation SS-1, page V-6-2). Implementing the WMP, requiring the implementation of Best Management Practices for post-construction activities, and Urban Area General Plan policy V-D.2(a), will avoid violation of wastewater discharge requirements. As a result, this impact would be less than significant.

Effect: The City has adopted the WMP specifically to ensure that sewer capacity will match the level of growth projected by the Urban Area General Plan. Development within the Baseline Developed and Planned Urbanizing Areas that is consistent with the Urban Area General Plan will not have a significant effect on capacity. Urban Area General Plan Policy III-D.1(d) will ensure that development in the Planned Urbanizing Area will fund the necessary improvements. This is a less-than-significant impact.

Note on the WMP Master EIR. The WMP Master EIR identified a number of impacts and mitigation measures. Its mitigation measures have been adopted by the City and are being implemented under the WMP. Those impacts are being independently addressed under the Wastewater Master Plan MEIR and do not need to be considered under this Initial Study. Refer to the WMP Master EIR for details.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Sewer Service mitigation measure(s) pertinent to the project being analyzed in this Initial Study are found on pages V-6-2 through V-6-7 of the MEIR. All feasible measures appropriate to the project are listed in Section IV, Mitigation Measures Applied to Project.

Discussion:

No mitigation measures from the MEIR are required to be applied to the project. No new or additional mitigation measures or alternatives are required for the project. The project will incorporate appropriate conditions of approval that satisfy City development standards.

c. Project-Specific Effects

Section V-6.B of the MEIR provides analysis of Sanitary Sewer Service impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not previously analyzed in the MEIR.
Determinations of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

1. The project is inconsistent with the Modesto Urban Area General Plan.  
   NO X

2. The project will result in a determination by the wastewater treatment provider which serves or may serve the project that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments.

Discussion:

(1) The subject site is designated as Residential in the Modesto Urban Area General Plan. It is located in an area that is developed with Residential uses. The prezone to (P)R-1 (Planned Low-Density Residential) and annexation will result in ultimate development of the site consistent with the City's General Plan.

(2) Annexation and prezone of the site will be consistent with the existing Residential General Plan designation on the site, and the City has indicated with a Will Serve letter (dated 3 November, 2006) requested by the applicant that there is a reasonable certainty that adequate sewer service will be available to serve the property, consistent with City policy.

7. SENSITIVE WILDLIFE AND PLANT HABITAT

a. Significant Effects Identified in the Master EIR

The Master EIR identified the following significant environmental impacts relative to sensitive wildlife and plant habitat:

**Effect:** Although many sensitive species live in riparian habitats within the planning area, the policies of the plan will ensure that impacts of the Urban Area General Plan will be less than significant.

**Effect:** Requiring higher residential density than the suburban norm and a compact pattern of growth within the designated planning area to 2025 will minimize the City’s contribution to the cumulative loss of habitat. Nonetheless, this is a significant and unavoidable impact.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Wildlife and Plant Habitat mitigation measure pertinent to the project being analyzed in this Initial Study are found on pages V-7-15 through V-7-21 of the MEIR. All feasible measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section IV, Mitigation Measures Applied to Project.
Discussion:

The project site lies outside the Biological Resource Study Area, shown on Figure V-7-1a in the MEIR. Therefore, no mitigation measures from the MEIR are required to be applied to the project. No new or additional mitigation measures or alternatives are required for the project.

c. Project-Specific Effects

Section V-7.B of the MEIR provides analysis of Wildlife and Plant Habitat impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not previously analyzed in the MEIR.

Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

1. The project is inconsistent with the Modesto Urban Area General Plan. [X]
2. Consultation with the California Department of Fish and Game or the U.S. Fish and Wildlife Service determines that the project would have a significant effect on special status species. [X]
3. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance. [X]

Discussion:

1. The subject site is designated as Residential in the Modesto Urban Area General Plan and is located in an area that is developed with Residential uses. The prezoning to (P)R-1 (Planned Low-Density Residential) and annexation are consistent with the City’s General Plan.
2. The site lies outside the Biological Resource Study Area and there is no specific information known that would suggest the possible presence of significant plant or animal species on or near the project site.
3. The City has no policies or ordinances to protect biological resources that would apply to the project site, which lies well within the Modesto urbanized area and outside the Biological Resource Study Area.

8. ARCHAEOLOGICAL OR HISTORICAL SITES

a. Significant Effects Identified in the Master EIR

The Master EIR identified the following significant environmental impacts relative to archaeological or historical sites:

Effect: If a site-specific project involves the modification or demolition of a qualifying structure more than 50 years in age, then the impact will be significant.
Effect: Areas of high probability for archaeological resources are located within the riparian corridors along the Tuolumne River, Dry Creek, and the Stanislaus River. There, the potential impact comes from earthmoving activities that could result in disturbance of resources or human remains. There is a low probability that archaeological resources will be uncovered in areas outside of the riparian corridors.

Effect: The City Zoning Ordinance requires that when substantial changes to a structure are proposed, the development will be required to comply with other Zoning Ordinance provisions such as parking or landscaping requirements. This could result in modifications to the structure, which substantially reduce its historical significance. No impact would be expected to occur, since the buildings to be removed or demolished are not considered to have historical significance.

d. Master EIR and/or New Mitigation Measures Applied to the Project

Archaeological or historic mitigation measures pertinent to the project being analyzed in this Initial Study are found on pages V-8-9 through V-8-14 in the MEIR. All feasible measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section IV, Mitigation Applied to Project.

Discussion:

The site proposed to be prezoned and annexed into the City of Modesto is occupied by an existing residence, but is otherwise vacant. It is not within any of the archaeological resource areas identified by the MEIR. However, any new construction that may occur on the site, including the expansion or reconstruction of the existing structure or future application to subdivide the site for residential development, will be required to incorporate mitigation measure AH-S from the General Plan. Compliance with this mitigation measure will ensure that the project is consistent with the analysis in the MEIR regarding archeological resources. This will be carried down as a condition of approval on this project.

c. Project-Specific Effects

Section V-8.B of the MEIR provides analysis of Archaeological/Historical impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not previously analyzed in the MEIR.

Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

1. The project is inconsistent with the Modesto Urban Area General Plan. YES NO ☐ X

2. The project would adversely affect a cultural resource that is either listed or eligible for listing in the California Register of Historical Resources, or that is listed by the City of Modesto as a Designated Landmark Preservation Site. ☐ X

Discussion:

1. The subject site is designated as Residential in the Modesto Urban Area General Plan and is located in an area that is developed with Residential uses. The prezoning and annexation for this site are consistent with Residential designation in the General Plan.

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None of the buildings on the site are identified as a local landmark or other historic resource, thus no impacts are expected to occur.

9. STORM DRAINAGE

a. Significant Effects Identified in the Master EIR

The Master EIR identified the following significant environmental impacts relative to storm drainage:

Effect: The potential impacts on storm water drainage that could occur from the project were qualitatively evaluated with respect to several factors including: extent of the projected increase in urban surface area compared to undeveloped ground; magnitude of projected changes to hydrologic and physical site characteristics of the study area compared to existing conditions; regulatory criteria and guidelines; and professional judgment. Because the Urban Area General Plan includes policies that require new development in all three sections of the planning area to install approved drainage facilities, the potential impacts of the Urban Area General Plan on storm water drainage are considered less than significant.

Effect: The population of Stanislaus County is projected to increase in a fashion similar to that of Modesto, resulting in additional urban development and associated increases in impervious areas and associated urban storm water drainage. Cumulative hydrologic impacts of storm water flows from Modesto urban areas and other areas of the County could occur due to the fixed capacity of MID and TID irrigation canals to convey drainage west to the San Joaquin River. If drainage channels in some areas prove insufficient to handle the increased drainage discharges, existing storm water runoff from urban and agricultural areas during large storm events would have to be interrupted until water levels receded to a point allowing the resumption of discharges to the channel. Ceasing discharges to drainage channels could cause inundation in and around the drainage conveyance pipeline systems, surface drainage channels, detention basins, and other urban areas. This cumulative impact is considered significant and unavoidable.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Storm Drainage mitigation measure(s) pertinent to the project being analyzed in this Initial Study are found on pages V-9-3 through V-9-8 of the MEIR. All feasible measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section IV, Mitigation Measures Applied to Project.
Discussion:

No mitigation measures from the MEIR are required to be applied to the prezoning and annexation. No new or additional mitigation measures or alternatives are required for the project. Subsequent residential development that may occur will be required to incorporate appropriate conditions of approval that satisfy City development standards.

c. Project-Specific Effects

Section V-9.B of the MEIR provides analysis of Storm Drainage impacts of development of the General Plan; the following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not previously analyzed in the MEIR.

Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

1. The project is inconsistent with the Modesto Urban Area General Plan. YES NO □ X
2. The project would substantially increase the rate or amount of surface runoff in a manner that would result in flooding on or off site. □ X
3. Create or contribute runoff water that would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff. □ X

Discussion:

1. The subject site is designated as Residential in the Modesto Urban Area General Plan and is located in an area that is developed with Residential uses. Prezoning to Planned Low-Density Residential and the proposed Vesting Tentative Subdivision Map are consistent with the City’s General Plan.

2-3. The project does not include site development. However, any subsequent subdivision application would be required to meet City Standards and adhere to General Plan MEIR mitigation measure, SD-7, requiring the prevention of water pollution from urban runoff as established by the Central Valley Regional Water Quality Control Board.
10. FLOODING AND WATER QUALITY

a. Significant Effects Identified in the Master EIR

The Master EIR identified the following significant environmental impacts relative to flooding and water quality:

**Effect:** Increased runoff can accelerate soil erosion, stream channel scouring and sedimentation of channels, and also increase pollutant transport to waterways. The potential impacts of the project on flooding are considered less than significant because the Urban Area General Plan Update includes policies to restrict development in the floodplain and therefore would avoid exposing persons and property to flood hazards. In addition, new development under the Urban Area General Plan is required to install storm water drainage facilities that restrict the amount of post-development runoff from exceeding pre-development conditions.

**Effect:** The potential impacts of the project on surface water quality are considered less than significant because the City policies and capital improvement projects for storm water drainage facilities would minimize discharges of urban pollutants to natural waterways. The City drainage program policies require new development to prepare drainage plans and implement urban runoff control measures; larger Specific Plan developments must have storm drainage systems designed to control pollutant runoff. The City’s implementation policies for the municipal NPDES storm water permit require new development to implement an appropriate selection of permanent pollution control measures. Permanent erosion control measures such as seeding and planting vegetation for new cut-and-till slopes, directing runoff through vegetation, or otherwise reducing the offsite discharge of particulates and sediment are the most effective method of controlling offsite discharges of urban pollutants.

**Effect:** The City’s future development will contribute to cumulative water quality effects. EPA regulations for NPDES storm water permits and new proposed regulatory additions to the rules have become much more comprehensive in recent years and are being implemented to reduce pollutant runoff from both large- and small-scale activities. Implementation of NPDES-permitting programs throughout the county will reduce potential water quality impacts to a less-than-significant level.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Flooding and Water Quality mitigation measure(s) pertinent to the project being analyzed in this Initial Study are found on pages V-10-4 through V-10-10 of the MEIR. All feasible measures appropriate to the project will be incorporated into or made conditions of approval of this project are listed in Section IV, Mitigation Applied to Project.

**Discussion:**

The project site does not lie in an area having a potential for flooding, as Identified in the MEIR. No mitigation measures from the MEIR are required to be applied to the project. No new or additional mitigation measures or alternatives are required for the project.

c. Project-Specific Effects

Section V-10.B of the MEIR provides analysis of Flooding and Water Quality impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not previously analyzed in the MEIR.
Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

(1) The project is inconsistent with the Modesto Urban Area General Plan. 
   YES  NO  
   X

(2) The project does not comply with the regulatory requirements of the federal Clean Water Act or the State Porter-Cologne Act. 
   X

(3) The project does not comply with Modesto's Guidance Manual for New Development Storm Water Quality Control Measures. 
   X

(4) The project would create or contribute runoff water, which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff. 
   X

Discussion:

(1) The subject site, designated Residential in the Modesto Urban Area General Plan, is consistent with the City's General Plan and is located in an area that is developed with Residential uses.

(2) Development on the site will be required to comply with the Clean Water Act and the Porter-Cologne Act. The City will require adherence to any Clean Water Act requirements it deems appropriate.

(3) Future development on the site must comply with the City's Guidance Manual for New Development Storm Water Quality Control Measures. Compliance is ensured through review of building plans and building inspection.

(4) The site will be developed to City standards with full street improvements along the project's frontages. The appropriate design of the drain system will be verified by City staff when any subsequent application to subdivide the property is submitted.

11. PARKS AND OPEN SPACE

a. Significant Effects Identified in the Master EIR

The Master EIR identified the following significant environmental impacts relative to parks and open space:

Effect: Within the Baseline Developed and Redevelopment Areas, the Urban Area General Plan does not propose any elimination of existing park and/or open space land. Impacts on parks and open space will be less than significant.

Effect: The projected population of the Planned Urbanizing Area is 148,600, requiring 149 acres of neighborhood parks and 298 acres of community parks. The required minimum acreages can be met through the application of existing policies and regulations, including Government Code Section 66474, which require developers to pay Parks Capital Facilities Fees to fund the acquisition of appropriate parkland acreage. This impact is less than significant.

b. Master EIR and/or New Mitigation Measures Applied to the Project
Parks and Open Space Mitigation Measure(s) pertinent to the proposed project are found on pages V-11-3 through V-11-9 MEIR. All feasible measures appropriate to the project to be incorporated into or made conditions of approval of this project. All feasible measures appropriate to the project that will be incorporated into or made conditions of approval of this project are listed in Section IV, Mitigation Applied to Project.

Discussion:

No mitigation measures from the MEIR are required to be applied to the project. No new or additional mitigation measures or alternatives are required for the project. The project will incorporate appropriate conditions of approval that satisfy City development standards.

c. Project-Specific Effects

Section V-11.B of the MEIR provides analysis of Parks and Recreation impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not previously analyzed in the MEIR.

Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

<table>
<thead>
<tr>
<th>YES</th>
<th>NO</th>
</tr>
</thead>
<tbody>
<tr>
<td>☐</td>
<td>X</td>
</tr>
</tbody>
</table>

(1) The project is inconsistent with the Modesto Urban Area General Plan.

Discussion:

(1) The subject site is designated Residential in the Modesto Urban Area General Plan and is located in an area that is developed with Residential uses. The rezoning and annexation are consistent with the City's General Plan.

12. SCHOOLS

a. Significant Effects Identified in the Master EIR

The Master EIR identified the following significant environmental impacts relative to schools:

Effect: The estimated increase in population over 1994/1995 would generate an additional 29,200 elementary school students, 7,330 middle school students, and 14,640 high school students above those enrollments. Assuming that existing facilities cannot sufficiently accommodate this increase and that all of the new students would require new school facilities, build out of the General Plan would result in the need for approximately 37 elementary schools, eight middle schools, and seven high schools beyond 1994/1995 levels. This would result in a significant impact on schools in that increased enrollment would exceed current capacity. By statute, this impact is considered to be mitigated below a level of significance by payment of school impact fees and exercise of any or all of the financing options set out in Government Code Section 65997.

b. Master EIR and/or New Mitigation Measures Applied to the Project

The Master EIR did not identify any new mitigation measures. Mitigation relies upon the implementation of the policies in place under the Modesto Urban Area General Plan. As long
as all anticipated subsequent projects apply these policies, no new mitigation is necessary. Further, payment of school impact fees and compliance with SB 50 is statutorily deemed to be full mitigation of school impacts (Government Code Section 65995). The proposed additional school policy will address the situation that would arise should AB 50 be repealed. It will authorize impact fees or other methods to finance additional school facilities.

The following schools mitigation measure(s) are pertinent to the project being analyzed in this Initial Study. See pages V-12-3 through V-12-7 in the MEIR. All feasible measures appropriate to the project will be incorporated into or made conditions of approval of this project. Those measures will be listed in Section IV, Mitigation Applied to Project.

Discussion:

No mitigation measures from the MEIR are required to be applied to the project. No new or additional mitigation measures or alternatives are required for the project.

c. Project-Specific Effects

Section V-12.B of the MEIR provides analysis of Schools impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not previously analyzed in the MEIR.

Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

YES NO
(1) The project is inconsistent with the Modesto Urban Area General Plan. □ X
(2) The project does not comply with SB 50/Proposition 1A funding provisions, or succeeding measures which provide that compliance results in less-than-significant impacts on schools. □ X

Discussion:

(1) The subject site is designated Residential in the Modesto Urban Area General Plan, with which the proposal is consistent. The site is located in an area that is developed with Residential uses.

(2) Future development on the site will be required to comply with the provisions of SB 50/Proposition 1A and must pay schools fees in effect at the time the Vesting Tentative Subdivision Map is approved.
13. POLICE SERVICES

a. Significant Effects Identified in the Master EIR

The Master EIR identified the following significant environmental impacts relative to police services:

Effect: The 1995 Master EIR identified two impacts on the demand for police services; however, it concluded that no significant impact, based on the mitigation measures identified in the 1995 Master EIR, would occur. Those mitigation measures are now policies of the Urban Area General Plan. The impact is less than significant.

Effect: Within the Planned Urbanizing Area, complying with the Urban Area General Plan policies, particularly the policy that requires a long-range financing strategy for each Comprehensive Plan Area, will allow the City to provide the resources necessary to extend service to the newly growing Planned Urbanizing areas. These policies reduce the impact to a less-than-significant level.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Police Services mitigation measure(s) pertinent to the project being analyzed in this Initial Study are found on pages V-13-2 through V-13-4 in the MEIR. All feasible measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section IV, Mitigation Measures Applied to Project.

Discussion:

No mitigation measures from the MEIR are required to be applied to the project. No new or additional mitigation measures or alternatives are required for the project.

c. Project-Specific Effects

Section V-13.B of the MEIR provides analysis of police services impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not previously analyzed in the MEIR.

Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

<table>
<thead>
<tr>
<th>Effect</th>
<th>YES</th>
<th>NO</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) The project is inconsistent with the Modesto Urban Area General Plan.</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>(2) The project would result in the need for construction of new or significantly altered facilities which could cause new significant environmental impacts in order to maintain acceptable service ratios, response times or other performance objectives.</td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>

Discussion:

(1) The subject site is designated Residential in the Modesto Urban Area General Plan and is located in an area that is developed with Residential uses. Future development on the site is expected to be Residential and, therefore, consistent with the City's General Plan.

(2) The proposed prezoning and annexation was referred to the Police Department. The Police Department did not indicated that any new or altered facilities would be required to serve the project or possible subdivision that may occur as a result thereof.
14. FIRE SERVICES

a. Significant Effects Identified in the Master EIR

The Master EIR identified the following significant environmental impacts relative to fire services:

Effect: The Baseline Developed Area and Redevelopment Area are already developed. Impacts on fire services of development in these areas will be less than significant.

Effect: In the Planned Urbanizing Area, the Urban Area General Plan would result in the need for additional fire protection services due to increases in the number of employees, permanent population, and associated improvements. City policy requires that fire protection be in place concurrent with construction in the Planned Urbanizing Area. This policy will be implemented with the adoption of future Comprehensive Plans in the Planned Urbanizing Area. This impact would be less than significant.

b. Master EIR and/or New Mitigation Measures Applied to the Project

The Master EIR did not identify any new mitigation measures. Mitigation relies upon the implementation of the policies in place under the Modesto Urban Area General Plan. These are identified and described in the list of policies in place and MEIR mitigation measures attached to the Initial Study.

Fire Services mitigation measure(s) pertinent to the proposed project are found on pages V-14-2 through V-14-5 of the MEIR. All feasible measures appropriate to the project that will be incorporated into or made conditions of approval of this project are listed in Section IV, Mitigation Measures Applied to Project.

Discussion:

No mitigation measures from the MEIR are required to be applied to the project. No new or additional mitigation measures or alternatives are required for the project.

c. Project-Specific Effects

Section V-14.B of the MEIR provides analysis of fire services impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not previously analyzed in the MEIR.

Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

YES NO

(1) The project is inconsistent with the Modesto Urban Area General Plan. □ X

(2) The project would result in the need for construction of new or significantly altered facilities which could cause new significant environmental impacts in order to maintain acceptable service ratios, response times or other performance objectives. □ X

Discussion:
1. The subject site is designated as Residential in the Modesto Urban Area General Plan and is located in an area that is developed with Residential uses. The annexation and proposed Vesting Tentative Subdivision Map are consistent with the City's General Plan.

2. The Woodland Fire Protection District currently provides fire protection to the project site. The site must detach from the Woodland Fire Protection District and attach to the City of Modesto Fire Department service area as part of annexation, which will result in a reduction in revenue to the Woodland Fire Protection District (WFPD). The Local Agency Formation Commission has requested a financial analysis be included as part of the environmental review, however, the project site lies within the City of Modesto's Sphere of Influence and is anticipated in the City's General Plan and Master EIR to eventually annex to the City of Modesto and the City's service areas. Although the Woodland Fire Protection District would lose the revenue produced by these 3.19 acres, the WFPD can replace that revenue by increasing the assessment on the properties in its remaining service area. Additionally, the City of Modesto responds to emergency calls in this County island, providing redundancy and improving overall fire protection service to the island, therefore, no physical environmental impact on fire protection service would result from detachment from the WFPD and attachment to the Modesto Fire Department's service area. Further, reducing or eliminating the services provided by the WFPD to isolated pockets would be more cost-effective and efficient than providing services to disparate areas. The Modesto Fire Department has indicated that it can provide adequate service to the subject site. Future development on the site will be required to meet all City Fire safety requirements. Financial impacts on the Woodland Fire Protection District are not a CEQA concern.

15. SOLID WASTE

a. Significant Effects Identified in the Master EIR

The Master EIR identified the following significant environmental impacts relative to solid waste:

Effect: Since the project would exceed available landfill capacity, it is identified as a significant impact. The Fink Road Landfill may be closed by the time the City reaches build out, unless an expansion is approved by the County and the Integrated Waste Management Board. As the waste stream generated increases with population, additional landfills and methods for diversion would have to be utilized. The project will also generate the need for additional collection and transfer facilities. This impact is significant and unavoidable. The impact would be less than significant at such time as the Fink Road Landfill expansion is approved.

Effect: The project makes a considerable contribution to the cumulative impact on landfill capacity of development in Stanislaus County. This impact is significant and unavoidable.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Solid Waste Mitigation Measure(s) pertinent to the proposed project are found on pages V-15-3 through V-15-6 of the MEIR. All feasible measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section IV, Mitigation Applied to Project.
Discussion:

No mitigation measures from the MEIR are required to be applied to the project. No new or additional mitigation measures or alternatives are required for the project. The project will incorporate appropriate conditions of approval that satisfy City development standards.

c. Project-Specific Effects

Section V-15.B of the MEIR provides analysis of solid waste impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not previously analyzed in the MEIR.

Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

<table>
<thead>
<tr>
<th>YES</th>
<th>NO</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>X</td>
</tr>
<tr>
<td>2.</td>
<td>X</td>
</tr>
</tbody>
</table>

Discussion:

(1) The subject site is designated Residential in the Modesto Urban Area General Plan. The site is located in an area that is developed with Residential uses. The annexation and rezoning and expected future Residential development are consistent with the City's General Plan.

(2) This project was referred to the Solid Waste Division of the City's Department of Public Works, which had no comment regarding this project's impact on solid waste disposal capacity.

16. HAZARDOUS MATERIALS

a. Significant Effects Identified in the Master EIR

The Master EIR identified the following significant environmental impacts relative to hazardous materials:

Effect: The impacts of the project relative to hazardous materials are less than significant, based on the existing regulatory framework. New development will be required to comply with regulations monitoring and controlling the handling and use of hazardous and toxic materials.

b. Master EIR and/or New Mitigation Measures Applied to the Project

The Master EIR did not identify any new mitigation measures. Mitigation relies upon the implementation of the policies in place under Federal, State, and County policies and regulations and the Modesto Urban Area General Plan. These are identified and described in the list of policies in place and MEIR mitigation measures attached to this document.
Hazardous Materials Mitigation Measures pertinent to the project being analyzed in this Initial Study are found on pages V-16-5 through V-16-12 in the MEIR. Because the property is planned for Residential uses, it is possible that future property owners or building tenants may have hazardous materials on site. Mitigation measures from the MEIR will be applied to the Vesting Tentative Subdivision Map to ensure compliance will all appropriate regulations. All feasible measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section IV, Mitigation Measures Applied to Project.

Discussion:

Prezoning and Annexation do not generate hazardous materials. The future subdivision application will be required to incorporate appropriate conditions of approval that satisfy City development standards.

c. Project-Specific Effects

Section V-16.B of the MEIR provides analysis of hazardous materials impacts due to development of the General Plan; the following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not previously analyzed in the MEIR.

Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

1. The project is inconsistent with the Modesto Urban Area General Plan.  YES  NO  ☐  X
2. The project does not comply with all applicable Federal, State, and County standards and regulations relative to the handling, storage, disposal, and transport of hazardous or toxic materials or wastes.  ☐  X
3. The project contains a contaminated site not identified as of March 2003.  ☐  X
4. The project would emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.  ☐  X
5. The project would be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and as a result, would create a significant hazard to the public or the environment.  ☐  X

Discussion:

1. The subject site is designated as Residential in the Modesto Urban Area General Plan and is located in an area that is developed with Residential uses. The project and future Residential development expected to occur on the site are consistent with the City's General Plan.

2. The prezoning and annexation will not generate any hazardous materials, and it is unlikely that hazardous materials will be generated in conjunction with any future residential subdivision that may occur on the project site. However this will be further
assessed once an application to subdivision the land is received. If necessary, the map will be conditions in accordance with GP MEIR policies for the identification handling and storage of hazardous materials.

(3-5) The City's Final Master Environmental Impact Report lists hazardous materials sites and this project is not on or near any of those sites.

17. LANDSLIDES AND SEISMIC ACTIVITY

a. Significant Effects Identified in the Master EIR

The Master EIR identified the following significant environmental impacts relative to landslides and seismic activity:

Effect: There are areas of known sand and gravel resources within the Baseline Developed Area and Redevelopment Area. Future development will be subject to SMARA requirements, therefore, the project impact will be less than significant.

Effect: There are areas of known sand and gravel resources within the Planned Urbanizing Area. Future development will be subject to SMARA requirements, therefore, the project impact will be less than significant.

b. Master EIR and/or New Mitigation Measures Applied to the Project

The Master EIR did not identify any new mitigation measures. Mitigation relies upon the implementation of the policies in place under the Modesto Urban Area General Plan. These are identified and described in the list of policies in place and MEIR mitigation measures attached to the Initial Study template.

Landslide and Seismic Activity Mitigation Measure(s) pertinent to the project being analyzed in this Initial Study are found on pages V-17-5 through V-17-7 in the MEIR. All feasible measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section IV, Mitigation Measures Applied to Project:

Discussion:

Mitigation measures pertinent to the project are found on pages V-17-5 through V-16-12 in the MEIR. No new or additional mitigation measures or alternatives are required for the project. Any subsequent subdivision will incorporate appropriate conditions of approval that satisfy City development standards.

c. Project-Specific Effects

Section V-17.B of the MEIR provides analysis of landslides and seismic impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not previously analyzed in the MEIR.

Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

| City of Modesto Finding of Conformance | 29 |
| General Plan Master EIR | Initial Study |
| C&ED No. 2007-22 | May 7, 2007 |
The project is inconsistent with the Modesto Urban Area General Plan.

The project would be located on soil that is unstable, or that would become unstable as a result of the project, and potentially result in on or off-site landslide, lateral spreading, subsidence, liquefaction or collapse.

Discussion:

(1) The subject site is designated as Residential in the Modesto Urban Area General Plan and is located in an area that is developed with Residential uses. The annexation and Vesting Tentative Subdivision Map are consistent with the City's General Plan.

(2) According to the MEIR's physical description of the General Plan study area, the site is not located in area subject to landslide, lateral spreading, subsidence, liquefaction or collapse.

18. ENERGY

a. Significant Effects Identified in the Master EIR

The Master EIR identified the following significant environmental impacts relative to energy:

Effect: The Baseline Developed Area and Redevelopment Area are already developed. New development within the Redevelopment Area will comply with Title 24 standards as well as City Urban Area General Plan policies. Impacts on energy by development in these areas (i.e., changes in levels of use above the current baseline) will be less than significant.

Effect: Build out under the Urban Area General Plan will utilize an estimated 1,400 million cubic feet per month of natural gas, 1,300 million kiloWatt hours (kWh) of electricity per year and 650,000 gallons of gasoline per day. PG&E has indicated that they have at the current time sufficient supplies of natural gas to serve the increased natural gas demands of the project. At present, gasoline supplies are apparently sufficient to serve the gasoline demands of the project. Title 24 of the California Code of Regulation, which ensures that the project will not exceed local, state, and federal energy standards. The impact is less than significant.

b. Master EIR and/or New Mitigation Measures Applied to the Project

The following energy mitigation measure(s) are pertinent to the project being analyzed in this Initial Study. See page V-18-3 MEIR. All feasible measures appropriate to the project will be incorporated into or made conditions of approval of this project. Those measures will be listed in Section IV, Mitigation Applied to Project:

Discussion:

No mitigation measures from the MEIR are required to be applied to the project. No new or additional mitigation measures or alternatives are required for the project.
c. Project-Specific Effects

Section V-18.B of the MEIR provides analysis of energy impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not previously analyzed in the MEIR.

Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

1. The project is inconsistent with the Modesto Urban Area General Plan.  

   ![YES NO](X)

   **Discussion:**

   1. The subject site is designated as Residential in the Modesto Urban Area General Plan. It is located in an area that is developed with Residential uses. The annexation and Vesting Tentative Subdivision Map are consistent with the City's General Plan.

   Parking areas that will eventually be created to serve future development will be required to contain shade trees as required in the Modesto Municipal Code. Enforcement will occur through site plan review when building permits are applied for.

19. **PLANNING AND LAND USE**

The Master EIR was certified for the Modesto Urban Area General Plan. The significant effects described in the 18 subject areas contained in the Master EIR are based on the planning policies and diagrams adopted as part of the General Plan. Planning and land use were not among the 18 subject areas analyzed in the Master EIR because they essentially defined the project being evaluated in the EIR.

a. Project-Specific Effects

Determination of project effects will be based on the following threshold. A project-specific effect is less-than significant unless:

1. The project is inconsistent with the Modesto Urban Area General Plan.  

   ![YES NO](X)

2. The project includes a substantive amendment to the Modesto Urban Area General Plan.  

   ![YES NO](X)

3. The project would physically divide an established community.  

   ![YES NO](X)

   **Discussion:**

   1. The subject site is designated as Residential in the Modesto Urban Area General Plan and is located in an area developed with Residential uses. The prezoning to Low-Density Residential is consistent with the Residential designation of the property. Annexation is consistent with expansion of the City described in the General Plan.

   (2) The project involves annexation to the City consistent with expansion of the City anticipated in the General Plan. No amendment to the Modesto Urban Area General Plan is proposed.
(3) The project will result in the expansion of an existing Residential area; no community will be divided as part of this proposal. This is consistent with development anticipated in the Urban Area General Plan.

20. **AESTHETICS**

The Master EIR was certified for the Modesto Urban Area General Plan. The significant effects described in the 18 subject areas contained in the Master EIR are based on the planning policies and diagrams adopted as part of the General Plan. At that level of detail, no significant effects on aesthetics were identified.

**a. Project-Specific Effects**

Determination of project effects will be based on the following threshold. A project-specific effect is less than significant unless:

<table>
<thead>
<tr>
<th></th>
<th>YES</th>
<th>NO</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) The project is inconsistent with the Modesto Urban Area General Plan.</td>
<td>□</td>
<td>X</td>
</tr>
<tr>
<td>(2) The project would have a substantial adverse effect on a scenic vista.</td>
<td>□</td>
<td>X</td>
</tr>
<tr>
<td>(3) The project would substantially degrade the existing visual character or quality of the project site and its surroundings.</td>
<td>□</td>
<td>X</td>
</tr>
<tr>
<td>(4) The project would create a new source of substantial light and glare, which would adversely affect day or nighttime views in the area.</td>
<td>□</td>
<td>X</td>
</tr>
</tbody>
</table>

**Discussion:**

(1) The subject site is designated as Residential in the Modesto Urban Area General Plan and is located in an area developed with Residential uses. The prezoning to Low-Density Residential and annexation is consistent with the Residential designation of the property.

(2-4) The project is located within an established Residential area and there are no scenic vistas of or from the area. The expansion of the existing Residential area is consistent with the type of development in the area.
V. MITIGATION MEASURES APPLIED TO THE PROJECT

A. Master EIR Mitigation Measures Applied to the Project

Pursuant to CEQA Section 21157.1 (c), in order for a Finding of Conformance to be made, all feasible measures from the Master EIR appropriate to the project shall be incorporated into the project. The following adopted General Plan Policies and Master EIR Mitigation Measures shall be made part of the project prior to approval by means of conditions of project approval or incorporation into the appropriate document or plan:

All applicable and appropriate mitigation measures have been applied to the project (see mitigation measures listed below).

Traffic and Circulation Measures:

None.

Air Quality Measures:

Mitigation Measure Air-1: PM10 Control Measures (page V-2-24 of the MEIR)

1. SJVUAPCD Regulation VIII Control Measures for Construction Emissions of PM-10. The following controls are required to be implemented at all construction sites:

   a. All disturbed areas, including storage piles, which are not being actively utilized for construction purposes, shall be effectively stabilized of dust emissions using water, chemical stabilizer/suppressant, covered with a tarp or other suitable cover or vegetative ground cover.

   b. All on-site unpaved roads and off-site unpaved access roads shall be effectively stabilized of dust emissions using water or chemical stabilizer/suppressant.

   c. All land clearing, grubbing, scraping, excavation, land leveling, grading, cut & fill, and demolition activities shall be effectively controlled of fugitive dust emissions utilizing application of water or by presoaking.

   d. With the demolition of buildings up to six stories in height, all exterior surfaces of the building shall be wetted during demolition.

   e. When materials are transported off-site, all material shall be covered, or effectively wetted to limit visible dust emissions, and at least six inches of freeboard space from the top of the container shall be maintained.

   f. All operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at the end of each workday. *(the use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions.)* *(Use of blower devices is expressly forbidden.)*
g. Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, said piles shall be effectively stabilized of fugitive dust emissions utilizing sufficient water or chemical stabilizer/suppressant.

h. Within urban areas, trackout shall be immediately removed when it extends 50 or more feet from the site and at the end of each workday.

i. Any site with 150 or more vehicle trips per day shall prevent carryout and trackout.

Noise Measures:

1. The City's noise ordinance (Modesto Municipal Code Section 4-9.101) prohibits the "loud and raucous discharge into the open air of the steam of any steam equipment or exhaust from any stationary internal-combustion engine."

   The noise ordinance prohibits the loud and raucous operation or use of any of the following before 7:00 a.m. or after 9:00 p.m. daily (except Saturday and Sunday and State or federal holidays, when the prohibited time shall be before 9:00 a.m. and after 9:00 p.m.):

   A. A hammer, or any other device or implement used to pound or strike an object.

   B. An impact wrench, or other tool or equipment powered by compressed air.

   C. A hand-powered saw.

   D. Any tool or piece of equipment powered by an internal-combustion engine such as, but not limited to, chain saw, backpack blower, and lawn mower.

   E. Any electrically powered (whether by alternating current electricity or by direct current electricity) tool or piece of equipment used for cutting, drilling, or shaping wood, plastic, metal, or other materials or objects, such as, but not limited to, a saw, drill, lathe, or router.

   F. Any of the following: heavy equipment (such as but not limited to bulldozer, steam shovel, road grader, back hoe), ground drilling and boring equipment (such as but not limited to derrick or dredge), hydraulic crane and boom equipment, portable power generator or pump, pavement equipment (such as but not limited to pneumatic hammer, pavement breaker, tamper, compacting equipment), pile-driving equipment, vibrating roller, sand blaster, gunite machine, trencher, concrete truck, and hot kettle pump.

   G. Any construction, demolition, excavation, erection, alteration, or repair activity. In the case of urgent necessity and in the interest of public health and safety, the Chief Building Official may issue a permit for exemption from these. Such period shall not exceed three (3) working days in length while the emergency continues but may be renewed for successive periods of three (3) days or less while the emergency continues. The Chief Building Official may limit such permit as to time of use and/or permitted action, depending upon the nature of the emergency and the type of action requested.
H. Construction equipment and vehicles should be equipped with properly operating mufflers according to the manufacturers’ recommendations. Air compressors and pneumatic equipment should be equipped with mufflers, and impact tools should be equipped with shrouds or shields.

Agricultural Land Measures:
None

Water Supply Measures:
None

Sanitary Sewer Service Measures:
None

Sensitive Wildlife and Plant Habitat Measures:
None

Archaeological or Historic Sites Measures:
Mitigation Measure AH-8 (page V-8-13 of the MEIR)
If archaeological resources are discovered at any time during construction, all activity shall cease until a qualified archaeologist surveys the site. The survey shall include mitigation measures, which shall be implemented before construction resumes. The survey shall follow the criteria presented in Appendix K

Storm Drainage Measures:
Mitigation Measure SD-7 (page V-9-4 of the MEIR)
The City of Modesto shall prevent water pollution from urban storm runoff as established by the Central Valley Regional Water Quality Control Board for surface discharges and Environmental Protection Agency for underground injection. (General Plan Policy V-E.2[c])

Flooding and Water Quality Measures:
None

Parks and Open Space Measures:
None

Schools Measures:

City of Modesto Finding of Conformance
General Plan Master EIR

Initial Study
C&ED No. 2007-22
May 7, 2007
None

Police Services:
None

Fire Services:
None

Generation of Solid Waste
None

Generation of Hazardous Materials
None

Potential for Landslides and Seismic Activity
None

Energy
None

Planning and Land Use
None

Aesthetics
None

B. New or Additional Mitigation Measures or Alternatives Required

Where the project's effects would exceed the specific thresholds defined for each environmental category, a mitigated negative declaration or Focused EIR must be prepared. Staff has reviewed the project against those thresholds set forth in the Master EIR for all applicable categories in this Initial Study. The following project-specific mitigation measures are necessary to reduce the identified new significant effect: None.
MODESTO CITY COUNCIL
RESOLUTION NO. 2008-106

A RESOLUTION APPROVING A PROFESSIONAL SERVICES AGREEMENT WITH STANTEC FOR THE DEVELOPMENT OF THE GEOGRAPHIC INFORMATION SYSTEM (GIS) UPGRADE FOR THE SANITARY SEWER UTILITIES INVENTORY PROJECT IN AN AMOUNT NOT TO EXCEED $1,246,000, AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT.

WHEREAS, on May 2, 2006, the State Water Resources Control Board (Regional Board) initiated Order No. 2006-0003-DWQ, which implemented a new Waste Discharge Requirement (WDR) for Wastewater Collections, and

WHEREAS, the WDR regulation contains requirements for monitoring, reporting, developing, and implementing Sanitary Sewer Management Plans (SSMPs), and

WHEREAS, one of the requirements of this new WDR is that the City develop and maintain a complete sanitary sewer utilities inventory by November 2, 2008, which includes details of each data component in a GIS format, and

WHEREAS, updating the current GIS System is also part of the overall infrastructure management strategy for the City, and

WHEREAS, the rapid growth that the City of Modesto has experienced for the past few years has resulted in the necessity for Wastewater Collections staff to work with outdated infrastructure maps which has been particularly problematic when trying to respond to emergency situations, and

WHEREAS, the new GIS data will enable crews to respond in a shorter time frame by being able to rapidly pinpoint structures in inclement weather or under other emergency conditions, and
WHEREAS, a faster structure location will also reduce impacts resulting from sanitary sewer overflows by enabling crews to clearly identify the problem point and then eliminate the cause, and

WHEREAS staff contacted the Information Technology (IT) Department to assist in the development of specifications for a Request for Qualifications (RFQ) for this GIS upgrade, and

WHEREAS, on October 9, 2007, the Council, by Resolution 2007-595 approved the RFQ for this project for $250,000, and

WHEREAS, at that time staff was not sure when the CIP would be approved for full funding of the project, and

WHEREAS, it was necessary to proceed with the RFQ in October 2007 in order to meet the WDR Compliance Schedule, and

WHEREAS, the Council, by motion, approved the CIP on January 8, 2008, and full funding of the GIS Upgrade Project was included, and

WHEREAS, the RFQ was sent to 13 Consultants, and five proposals were received, and

WHEREAS, staff has determined that the proposal from Stantec was the most qualified, and

WHEREAS, now that full funding is available, this allows the entire project to be completed at one time for an amount not to exceed $1,246,000, and

WHEREAS, staff has negotiated with Stantec to accomplish this project within the available funds, and

WHEREAS, funds are budgeted in the Primary CIP 6210-480-B122,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a professional services agreement with Stantec for development of
the Geographic Information System (GIS) upgrade for the sanitary sewer utilities inventory project in an amount not to exceed $1,246,000.

BE IT FURTHER RESOLVED that the Council hereby authorizes the Interim City Manager, or his designee, to execute the agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of February, 2008, by Councilmember Marsh, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: 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
A RESOLUTION APPROVING THE CHANGE OF 6210-480-B122 FROM A STAND ALONE CIP TO A PRIMARY CIP, AND TRANSFERRING $250,000 FROM 6210-480-5212-0235 TO 6210-480-B122-6052 TO FULLY FUND THE GEOGRAPHICAL INFORMATION SYSTEM (GIS) UPGRADE PROJECT.

WHEREAS, Council approved the funding for the Stand Alone CIP B122 GAP Analysis – WDR Compliance in the amount of $1,000,000 during the CIP FY07-08 process, and

WHEREAS, staff recommended changing CIP B122 from a Stand Alone CIP to a Primary CIP in order to utilize Secondary CIP’s for all of the projects that will be funded for Waste Discharge Requirement (WDR) Compliance, and

WHEREAS, one of the requirement of the WDR is to develop and maintain a complete sanitary sewer utilities inventory, which also includes updating the current Geographic Information System (GIS) as part of the overall infrastructure management strategy for the City of Modesto, and

WHEREAS, under separate action, staff brought to Council the approval of an agreement with Stantec for GIS professional services in an amount not to exceed $1,246,000 for the development of the sanitary sewer utilities inventory and GIS upgrade, and

WHEREAS, it is necessary to transfer $250,000 from Wastewater Collection Operating Account No. 6210-480-5212-0235 (professional services) to CIP Account No. 6210-480-B122-6052 to fully fund the GIS upgrade project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the change of 6210-480-B122 from a stand alone CIP to a primary CIP.
BE IT FURTHER RESOLVED that the Council hereby authorizes the transfer of $250,000 from 6210-480-5212-0235 to 6210-480-B122-6052 to fully fund the GIS upgrade 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 12th day of February, 2008, by Councilmember Marsh, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: 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. 2008-108

A RESOLUTION REAPPOINTING JOSEPH TREVENA TO THE AIRPORT 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, the Economic Development Committee met on February 11, 2008, and recommended reappointment of JOSEPH TREVENA to the Airport Advisory Committee.

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

SECTION 1. JOSEPH TREVENA is hereby reappointed to the Airport Advisory Committee with a term expiration of January 1, 2012.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the reappointed member of the Airport 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 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:

SUSANA ALCALA WOOD, City Attorney

2008-108
A RESOLUTION REAPPOINTING RONALD JESKE TO THE BOARD OF BUILDING APPEALS

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

WHEREAS, the Economic Development Committee met on February 11, 2008, and recommended reappointment of RONALD JESKE to the Board of Building Appeals.

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

SECTION 1. RONALD JESKE is hereby reappointed to the Board of Building Appeals with a term expiration of January 1, 2012.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the reappointed member of the Board of Building Appeals, and the Secretary thereof.

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: 

STEVEN R. SHIELDS, Acting City Clerk

APPROVED AS TO FORM:

SUSANA ALCALA WOOD, City Attorney

022608/CMO/Epuckett/Item01 1 2008-109
MODESTO CITY COUNCIL
RESOLUTION NO. 2008-110

A RESOLUTION REAPPOINTING DR. DOUGLAS N. CHADWICK AND
DOROTHY S. GRIGGS TO THE CITIZENS ADVISORY COMMITTEE ON
RECYCLING

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

WHEREAS, the Economic Development Committee met on February 11, 2008, and
recommended reappointment of DOUGLAS N. CHADWICK and DOROTHY S. GRIGGS to
the Citizens Advisory Committee on Recycling.

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

SECTION 1. DOUGLAS N. CHADWICK and DOROTHY S. GRIGGS are hereby
reappointed to the Citizens Advisory Committee on Recycling with term expirations of January
1, 2012.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the
reappointed members of the Citizens Advisory Committee on Recycling, and the Secretary thereof.

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

APPROVED AS TO FORM:

SUSANA ALCALA WOOD, City Attorney

STEFANIE LOPEZ, Acting City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2008-111

A RESOLUTION REAPPOINTING LINDA KENYON TO THE CITIZENS HOUSING & COMMUNITY DEVELOPMENT 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, the Economic Development Committee met on February 11, 2008, and recommended reappointment of LINDA KENYON to the Citizens Housing & Community Development Committee.

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

SECTION 1. LINDA KENYON is hereby reappointed to the Citizens Housing & Community Development Committee with a term expiration of January 1, 2012.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the reappointed member of the Citizens Housing & Community Development 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 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: 

STEPHANIE LOPEZ, Acting City Clerk

APPROVED AS TO FORM:

SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2008-112

A RESOLUTION REAPPOINTING BEV GRAHAM TO THE COMMUNITY QUALITIES FORUM

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

WHEREAS, the Economic Development Committee met on February 11, 2008, and recommended reappointment of BEV GRAHAM to the Community Qualities Forum.

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

SECTION 1. BEV GRAHAM is hereby reappointed to the Community Qualities Forum with term expirations of January 1, 2012.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the reappointed member of the Community Qualities Forum, and the Secretary thereof.

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]

STEFANIE LOPEZ, Acting City Clerk

APPROVED AS TO FORM:

[Signature]

SUSANA ALCALA WOOD, City Attorney
RESOLUTION NO. 2008-113

A RESOLUTION REAPPOINTING PHILIP S. ANSELMO JR. TO THE DISABLED ACCESS APPEALS BOARD

WHEREAS, Section 1102 of the Charter of the City of Modesto authorizes the City Council to appoint members to various Boards and Commissions, and
WHEREAS, the Economic Development Committee met on February 11, 2008, and recommended reappointment of PHILIP S. ANSELMO JR. to the Disabled Access Appeals Board.

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

SECTION 1. PHILIP S. ANSELMO JR. is hereby reappointed to the Disabled Access Appeals Board with a term expiration of January 1, 2012.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the reappointed member of the Disabled Access Appeals Board, and the Secretary thereof.

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

APPROVED AS TO FORM: ATTEST: STEPHANIE LOPEZ, Acting City Clerk

SUSANA ALCALA WOOD, City Attorney

022608/CMO/EPuckett
MODESTO CITY COUNCIL
RESOLUTION NO. 2008-114

A RESOLUTION REAPPOINTING NORMA REED, TAMMY MAISETTI AND GEORGIA ANDERSON TO THE DOWNTOWN IMPROVEMENT DISTRICT ADVISORY BOARD

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

WHEREAS, the Economic Development Committee met on February 11, 2008, and recommended reappointment of NORMA REED, TAMMY MAISETTI and GEORGIA ANDERSON to the Downtown Improvement District Advisory Board.

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

SECTION 1. NORMA REED, TAMMY MAISETTI and GEORGIA ANDERSON are hereby reappointed to the Downtown Improvement District Advisory Board with term expirations of January 1, 2012.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the reappointed members of Downtown Improvement District Advisory Board, and as Secretary thereof.
The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 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

APPROVED AS TO FORM:

ATTEST: ____________________________
        STEPHANIE LOPEZ, Acting City Clerk

SUSANA ALCALA WOOD, City Attorney
A RESOLUTION REAPPOINTING RYNE CONDER 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, the Economic Development Committee met on February 11, 2008, and recommended reappointment of RYNE CONDER, representing Creekside Golf Club, to the Golf Courses Advisory Committee.

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

SECTION 1. RYNE CONDER, representing Creekside Golf Club, is hereby reappointed to the Golf Courses Advisory Committee with term expiration of January 1, 2012.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the reappointed 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 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

APPROVED AS TO FORM: ATTEST: STEPHANIE LOPEZ, Acting City Clerk

SUSANA ALCALA WOOD, City Attorney
A RESOLUTION REAPPOINTING RICHARD GAYTAN TO THE
HUMAN RELATIONS COMMISSION

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

WHEREAS, the Economic Development Committee met on February 11, 2008,
and recommended reappointment of RICHARD GAYTAN to the Human Relations
Commission.

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

SECTION 1. RICHARD GAYTAN is hereby reappointed to the Human
Relations Commission with a term expiration of January 1, 2012.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this
resolution to the reappointed member of the Human Relations Commission, and the
Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 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

APPROVED AS TO FORM: STEPHANIE LOPEZ, Acting City Clerk

ATTEST: SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2008-117

A RESOLUTION REAPPOINTING BOB GAUSMAN TO THE LOCAL CABLE PROGRAMMING 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, the Economic Development Committee met on February 11, 2008, and recommended reappointment BOB GAUSMAN to the Local Cable Programming Committee.

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

SECTION 1. BOB GAUSMAN is hereby reappointed to the Local Cable Programming Committee with a term expiration of January 1, 2012.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the reappointed member of the Local Cable Programming 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 26th 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

APPROVED AS TO FORM: ATTEST: STEPHANIE LOPEZ, Acting City Clerk

SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2008-118

A RESOLUTION REAPPOINTING JEAN-PIERRE BATMALE TO THE SOLID WASTE 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, the Economic Development Committee met on February 11, 2008, and recommended reappointment of JEAN-PIERRE BATMALE to the Solid Waste Advisory Committee.

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

SECTION 1. JEAN-PIERRE BATMALE is hereby reappointed to the Solid Waste Advisory Committee with a term expiration of January 1, 2012.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the reappointed member of the Solid Waste 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 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

APPROVED AS TO FORM:  

SUSANA ALCALA WOOD, City Attorney

ATTEST: STEPHANIE LOPEZ, Acting City Clerk
MODESTO CITY COUNCIL  
RESOLUTION NO. 2008-119  

A RESOLUTION APPOINTING KEVIN YOUNG TO THE AIRPORT 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, the Economic Development Committee met on February 11, 2008, and recommended appointment of KEVIN YOUNG to the Airport Advisory Committee.

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

SECTION 1. KEVIN YOUNG is hereby appointed to the Airport Advisory Committee with a term expiration of January 1, 2012.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed member of the Airport 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 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]

STEPHANIE LOPEZ, Acting City Clerk

APPROVED AS TO FORM:

[Signature]

SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2008-120

A RESOLUTION APPOINTING HENRIETTA SPARKMAN TO THE CULTURE COMMISSION

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

WHEREAS, the Economic Development Committee met on February 11, 2008, and recommended appointment of HENRIETTA SPARKMAN to the Culture Commission.

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

SECTION 1. HENRIETTA SPARKMAN is hereby appointed to the Culture Commission with a term expiration of January 1, 2012.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 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

APPROVED AS TO FORM: 

Susana Álcala Wood, City Attorney

STEPHANIE LOPEZ, Acting City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2008-121

A RESOLUTION APPOINTING LINDA KENYON 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, the Economic Development Committee met on February 11, 2008, and recommended appointment of LINDA KENYON, representing Muni Miners Golf, to the Golf Courses Advisory Committee.

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

SECTION 1. LINDA KENYON, representing Muni Miners Golf, is hereby appointed to the Golf Courses Advisory Committee with term expirations of January 1, 2012.

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 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

APPROVED AS TO FORM: ATTEST: STEPHANIE LOPEZ, Acting City Clerk

SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2008-122

A RESOLUTION APPOINTING DUWAYNE STENGER TO THE SOLID WASTE 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, the Economic Development Committee met on February 11, 2008, and recommended appointment of DUWAYNE STENGER to the Solid Waste Advisory Committee.

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

SECTION 1. DUWAYNE STENGER, with a term expiration of January 1, 2010, is hereby appointed to the Solid Waste Advisory Committee.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed member of the Solid Waste 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 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

APPROVED AS TO FORM:

SUSAN ALCALA WOOD, City Attorney

STEFANIE LOPEZ, Acting City Clerk
A RESOLUTION AUTHORIZING THE AWARD OF BID AND CONTRACT FOR THE PURCHASE OF TWO (2) PACKER TRUCKS FOR THE PUBLIC WORKS DEPARTMENT, FLEET SERVICES DIVISION, TO VALLEY PETERBILT, INC., TURLOCK, CA, AND AUTHORIZING THE PURCHASING MANAGER TO ISSUE A PURCHASE ORDER FOR A TOTAL ESTIMATED COST OF $351,306.

WHEREAS, packer trucks are used by the Community Forestry Division for pruned refuse collection and are replaced on a ten year cycle, and

WHEREAS, the current packer trucks have reached the end of their useful life and are scheduled with the California Air Board to be retired. The packer trucks do not meet air board emission requirements and must be replaced, 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, two (2) packer trucks for the Community Forestry Division, pruned refuse collection 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. 0708-14 for the purchase of two (2) packer trucks to twenty (20) prospective bidders, posted the bid on the City’s web site and formally advertised as required by law, and

WHEREAS, on November 20, 2007, a bidders conference was held. One (1) company was in attendance, and
WHEREAS, on December 18, 2007, RFB’s were formally opened in the City Clerk’s office. Of the twenty (20) prospective bidders, two (2) companies chose to respond. Both bidders provided responsive and responsible bids, and

WHEREAS, based on providing a responsive and responsible bid, City staff recommends the award of bid and contract for the purchase of two (2) packer trucks to Valley Peterbilt, Inc., Turlock, CA, for the total estimated cost of $351,306, 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 two (2) packer trucks 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 two (2) packer trucks for FY 07/08, Account numbers 7210-480-5814-5807 and 7210-480-5814-5808,

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 two (2) packer trucks to Valley Peterbilt, Inc., Turlock, CA for a total estimated cost of $351,306.

BE IT FURTHER RESOLVED that the Purchasing Manager is hereby authorized to issue a Purchase Order for a total estimated cost of $351,306.
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 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

Clerk

ATTEST: [Signature]

STEPHANIE LOPEZ, Acting City

APPROVED AS TO FORM:

By: [Signature]

SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2008-124

A RESOLUTION AUTHORIZING THE AWARD OF BID AND CONTRACT FOR THE PURCHASE OF NINETEEN (19) CROWN VICTORIA POLICE INTERCEPTOR VEHICLES – 2008 MODEL YEAR, FOR THE PUBLIC WORKS DEPARTMENT, FLEET SERVICES DIVISION, BY “ACCESSING THE TERMS” OF A COMPETITIVELY BID CONTRACT WITH THE CITY OF SACRAMENTO, THROUGH DOWNTOWN FORD, SACRAMENTO, CA, AND AUTHORIZING THE PURCHASING MANAGER TO ISSUE A PURCHASE ORDER FOR A TOTAL ESTIMATED COST OF $516,826.

WHEREAS, the Public Works Department, Fleet Services Division has analyzed the maintenance cost of the Crown Victoria patrol sedans and determined the best time to replace the police sedans is on an 85,000 mile replacement cycle, and

WHEREAS, analysis done by City staff has shown that maintenance costs after 85,000 miles increase dramatically, and

WHEREAS, on July 10, 2007, the City Council approved Resolution No. 2007-411 authorizing the Purchasing Manager to “access the terms” of a competitively bid contract with the City of Sacramento to Downtown Ford, Sacramento, CA, for the purchase of fifteen (15) Crown Victoria police sedans for fiscal year 06/07 and the funds were rolled into fiscal year 07/08 for the purchase, and

WHEREAS, Downtown Ford offers a 5% prompt payment discount for net twenty days, and

WHEREAS, Fleet Services Division processed the payments within the twenty (20) day period and saved the City $20,000, and

WHEREAS, on August 14, 2007, the City Council approved Resolution No. 2007-495 authorizing 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, Nineteen (19) Crown Victoria patrol sedans were included in the FY 07/08 new vehicles and heavy equipment list authorized by Council, and

WHEREAS, on February 5, 2008, a request for quote was sent to Heritage Ford, a local vendor for pricing per Modesto Municipal Code (MMC) Section 8-3.206, and

WHEREAS, a cost analysis abstract was conducted to review the City of Sacramento Contract, the State of California Contract and the local vendor preference with Heritage Ford, and

WHEREAS, City staff determined that the local vendor was not competitively priced with other public agencies, and by “accessing the terms” of a competitively bid contract with the City of Sacramento, through Downtown Ford, Sacramento, CA, the City will select the bid that best suits the City’s needs, and

WHEREAS, MMC Section 8-3.203 requires all purchases, which meet or exceed $50,000 for material and equipment or contractual services to be formally bid, and

WHEREAS, per Modesto Municipal Code Section 8-3.204(d) the Purchasing Manager may determine that a process other than the formal bid procedure set forth in MMC Section 8-3.203 will result in procurement for the City at the lowest possible cost commensurate with the desired quality, and

WHEREAS, by “accessing the terms” through the contract with the City of Sacramento, the purchase of this equipment will conform to MMC Section 8-3.204(d), and

WHEREAS, funds are budgeted and available in the following account for the purchase of nineteen (19) Crown Victoria Police Interceptor Vehicles, in FY 07/08, Account numbers 7210-480-5814-5757 and 7210-480-5811,

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 nineteen (19)
Crown Victoria Police Interceptor Vehicles – 2008 model year, for the Public Works Department, Fleet Services Division, by “accessing the terms” of a competitively bid contract with the City of Sacramento, through Downtown Ford, Sacramento, CA.

BE IT FURTHER RESOLVED that the Purchasing Manager is hereby authorized to issue a Purchase Order for a total estimated cost of $516,826.

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 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. 2008-125

A RESOLUTION APPROVING A GRANT APPLICATION FOR $100,000 IN FUNDING FROM THE FEDERAL LAND AND WATER CONSERVATION FUND FOR THE PURPOSE OF REPLACING THE DAVIS PARK PICNIC SHELTER, AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE GRANT APPLICATION DOCUMENTS

WHEREAS, the Congress under Public Law 88-578 has authorized the establishment of a Federal Land and Water Conservation Fund Grant-In-Aid Program and its political subdivisions for acquiring lands and developing facilities for public outdoor recreation purposes, and

WHEREAS, the California Department of Parks and Recreation is responsible for administration of the program in the State, setting up necessary rules and procedures governing applications by local agencies under the program, and

WHEREAS, said adopted procedures established by the California Department of Parks and Recreation require the City of Modesto to certify by resolution the approval of a grant application and the availability of eligible matching funds prior to submission of said grant application to the State, and

WHEREAS, the Davis Park Picnic Shelter Replacement Project (the “Project”) is consistent with the most recent California Outdoor Recreation Plan (CORP), and

WHEREAS, the Project is compatible with the land use plans of all jurisdictions immediately surrounding the Project,

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

1. Approves the filing of an Application for Land and Water Conservation Fund assistance; and
2. Certifies that the City of Modesto has matching funds from the following source: Funding from the City's M185 Park Infrastructure Preservation Account, and that the City can finance 100 percent of the Project, up to half of which may be reimbursed; and

3. Certifies that the Project is compatible with the land use plans of those jurisdictions immediately surrounding the Project; and

4. Appoints the Interim City Manager, or his designee, as agent of the City of Modesto to conduct all negotiations and execute and submit all documents, including, but not limited to, applications, contracts, amendments, payment requests, and compliance with all applicable current state and federal laws which may be necessary for the completion of the aforementioned Project, upon acceptance of said grant by the City Council.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of February, 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: Steph

APPROVED AS TO FORM:

By: Susana Alcala Wood, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2008-125

A RESOLUTION APPROVING A GRANT APPLICATION FOR $100,000 IN FUNDING FROM THE FEDERAL LAND AND WATER CONSERVATION FUND FOR THE PURPOSE OF REPLACING THE DAVIS PARK PICNIC SHELTER, AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE GRANT APPLICATION DOCUMENTS

WHEREAS, the Congress under Public Law 88-578 has authorized the establishment of a Federal Land and Water Conservation Fund Grant-In-Aid Program and its political subdivisions for acquiring lands and developing facilities for public outdoor recreation purposes, and

WHEREAS, the California Department of Parks and Recreation is responsible for administration of the program in the State, setting up necessary rules and procedures governing applications by local agencies under the program, and

WHEREAS, said adopted procedures established by the California Department of Parks and Recreation require the City of Modesto to certify by resolution the approval of a grant application and the availability of eligible matching funds prior to submission of said grant application to the State, and

WHEREAS, the Davis Park Picnic Shelter Replacement Project (the “Project”) is consistent with the most recent California Outdoor Recreation Plan (CORP), and

WHEREAS, the Project is compatible with the land use plans of all jurisdictions immediately surrounding the Project,

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

1. Approves the filing of an Application for Land and Water Conservation Fund assistance; and
2. Certifies that the City of Modesto has matching funds from the following source: Funding from the City's M185 Park Infrastructure Preservation Account, and that the City can finance 100 percent of the Project, up to half of which may be reimbursed; and

3. Certifies that the Project is compatible with the land use plans of those jurisdictions immediately surrounding the Project; and

4. Appoints the Interim City Manager, or his designee, as agent of the City of Modesto to conduct all negotiations and execute and submit all documents, including, but not limited to, applications, contracts, amendments, payment requests, and compliance with all applicable current state and federal laws which may be necessary for the completion of the aforementioned Project, upon acceptance of said grant by the City Council.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of February, 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
A RESOLUTION APPROVING AN AGREEMENT WITH MOORE, IACOFANO, GOLTSMAN INC. FOR PROFESSIONAL LANDSCAPE ARCHITECTURAL SERVICES FOR THE PHASE 1 UPDATE TO THE MASTER PLAN, DESIGN DEVELOPMENT REPORT AND ENVIRONMENTAL DOCUMENTATION FOR THE MARY E. GROGAN COMMUNITY PARK FOR AN ESTIMATED TOTAL COST OF $194,903.00, AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, Mary E. Grogan Park is a 43-acre Master Planned Community Park that is to be located on City-owned property in the Village One Community Planning Area in northeast Modesto, and

WHEREAS, the Park is currently master planned with a Design Development Report and supporting environmental documentation. Plans for the park include 7 lighted soccer fields, a softball field, family aquatics center, community center, on-site parking and picnic areas, and

WHEREAS, the Park was master planned in 2004, and

WHEREAS, the Modesto Police and Fire Departments offered to share expenses and economize on land and locate a 24-hour police precinct and fire station on the park site, and

WHEREAS, the proposed space requirements include 7,700 sq. ft. for the fire house, 20,500 sq. ft. for the police precinct, and 24,800 sq. ft. for the community center, and

WHEREAS, the work to be accomplished on this project consists of a revision of the existing Park Master Plan, Design Development Report (DDR) and Environmental Documentation, and

WHEREAS, a Request for Proposals (RFP) was distributed to over 200 architects, landscape architects, engineers and construction management firms in September 2007, and eighteen firms responded to the RFP and submitted proposals by the October 24, 2007 deadline, and
WHEREAS, a panel of six reviewed the proposals and selected five firms to be interviewed, and two firms were chosen for site visits to similar-type projects that each firm had completed within the past five years, and

WHEREAS, after visiting with each design team at their project site, the panelists determined that Moore, Iacofano, Goltsman Inc. was the most qualified design firm,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement with Moore, Iacofano, Goltsman Inc. for professional landscape architectural services for the Phase 1 Update to the Master Plan, Design Development Report and Environmental Documentation for the Mary E. Grogan Community Park for an estimated total cost of $194,903.00.

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 26th day of February, 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. 2008-127

A RESOLUTION AMENDING THE FISCAL YEAR 2007-08 OPERATING BUDGET TO APPROPRIATE $80,000 FROM 0100-800-8000-8003, GENERAL FUND RESERVE, TO 0100-300-3020, 800 E. MORRIS DEMOLITION, TO FUND ACTIVITIES RELATED TO A FIRE AT THE CITY-OWNED BUILDING AT 800 E. MORRIS AVENUE IN MODESTO

WHEREAS, on October 14, 2007, firefighters responded to a fire at the old John Muir School (Modesto Community Service Center) at 800 E. Morris Avenue in T.B. Scott Park. The fire destroyed the building and most of its contents, primarily historical artifacts stored on the second floor, leaving the brick walls and little else, and

WHEREAS, staff immediately addressed the emergency presented by the unstable structure. Fencing was ordered to secure the site at a cost of $1,617 for six months, and a security service was put in place at a cost of $12,028 per month. The security service will continue to be on site 24 hours per day, seven days per week until the walls come down, and

WHEREAS, the City’s Risk Manager arranged to have the City’s insurance company come out to view the site and take pictures, and MID and PG&E were notified to disconnect their services, and the electrical connections for the irrigation timers at the park were moved, and

WHEREAS, Organization 3020 was established in FY 07-08 for the purpose of tracking expenses related to the fire and subsequent related actions, and

WHEREAS, this organization is in Agency 300, which also covers the Parks, Recreation and Neighborhoods Department’s Administration, and

WHEREAS, Organization 3020 has a zero budget, and there is not sufficient funding in place to cover the expenses related to the fire, and
WHEREAS, any expenditures will be reimbursed through the insurance settlement,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Fiscal Year 07-08 operating budget to appropriate $80,000 from 0100-800-8000-8003, General Fund Reserve, to various objects in 0100-300-3020, 800 E. Morris Demolition, as more fully described in Exhibit “A” attached hereto and incorporated herein by reference, to fund the fire-related activities at the City-owned building at 800 E. Morris Avenue in Modesto.

BE IT FURTHER RESOLVED that the Finance Director, or his designee, is hereby authorized to take the steps necessary 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 26th day of February, 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
REQUEST FOR BUDGET ADJUSTMENT

Contact Person: Carolyn Eubank
Telephone No.: 577-5349
Department: Parks, Recreation and Neighborhoods
Fund Title: General

Council Action Date: 02.26.08
Resolution Number: ______________________
FY: 07-08
Transfer No. ______________________

<table>
<thead>
<tr>
<th>Fund-Agency-Organ-Object</th>
<th>Appr Unit</th>
<th>Current Budget</th>
<th>Increase/Decrease</th>
<th>Revised Budget</th>
<th>Description of Object</th>
</tr>
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DEPARTMENTAL REVENUES
FROM

TO

APPROPRIATIONS
FROM

|          |          |                |                   |                |                       |
|----------|----------|----------------|-------------------|----------------|                       |
| 0100-800-8000-8003 |        | ($80,000)       | ($80,000)         | General Fund Reserve |

TO

|          |          |                |                   |                |                       |
|----------|----------|----------------|-------------------|----------------|                       |
| 0100-300-3020-0218 | 58,848   | $2,000          | $2,000            | 800 E. Morris Demolition |
| 0100-300-3020-0235 | $45,000  | $103,848        | Services Professional & Other |
| 0100-300-3020-0255 | $12,000  | $12,000         | Service Credits    |
| 0100-300-3020-0259 | $15,000  | $15,000         | Intrafund Labor    |
| 0100-300-3020-0308 | $2,500   | $2,500          | Tools Shop & Field |
| 0100-300-3020-0360 | $3,500   | $3,500          | Real Property M&R  |
|          |          | $80,000         |                   |                |                       |

COMMENTS/JUSTIFICATION

This funding is needed to pay for activities other than the demolition contract related to the fire at the City-owned building at 800 E. Morris Avenue.

<table>
<thead>
<tr>
<th>DEPARTMENT DIRECTOR or AUTHORIZED ASSISTANT (Allocation of Dept Appr to Line-Item Level)</th>
<th>SIGNATURE</th>
<th>DATE</th>
</tr>
</thead>
</table>

| FINANCE DIRECTOR (Transfers to/from Internal Service Charges) (All items requiring City Manager's Approval) | |
|-------------------------------------------------------------------------------------------------|-----------|------|

| CITY MANAGER (Transfers between Budgeted Activities of Departments within Funds) (Appropriation of Unbudgeted Dept Revenues) (Transfers into Personnel Services) |
|-------------------------------------------------------------------------------------------------|-----------|------|

Budget Office Form (Oct 2001) gh
MODESTO CITY COUNCIL
RESOLUTION NO. 2008-128

A RESOLUTION APPROVING A LETTER OF SUPPORT TO BE SIGNED BY MAYOR JIM RIDENOUR FOR THE PROPOSED LEGISLATION INTRODUCED BY CONGRESSMAN DENNIS CARDOZA TO EXPAND THE SAN JOAQUIN RIVER NATIONAL WILDLIFE REFUGE TO INCLUDE THE DOS RIOS RANCH AT THE CONFLUENCE OF THE TUOLUMNE AND SAN JOAQUIN RIVERS

WHEREAS, the Honorable Dennis Cardoza introduced to Congress proposed legislation to expand the San Joaquin River National Wildlife Refuge to include the Dos Rios Ranch at the confluence of the Tuolumne and San Joaquin Rivers, and

WHEREAS, the City of Modesto is the lead agency of the Tuolumne River Regional Park Joint Powers Authority, and

WHEREAS, expansion of the San Joaquin River National Wildlife Refuge is a key component in further implementing the “Lower Tuolumne River Parkway Framework for the Future” document adopted by the Tuolumne River governing jurisdictions in 2005, and

WHEREAS, the proposed expansion will increase recreational and preservation opportunities on all sides of the confluence of the Tuolumne and the San Joaquin Rivers and will serve as a valuable asset to the public,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a letter of support to be signed by Mayor Jim Ridenour for the proposed legislation introduced by Congressman Dennis Cardoza to expand the San Joaquin River National Wildlife Refuge to include the Dos Rios Ranch at the confluence of the Tuolumne and San Joaquin Rivers.
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 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

ATTEST: STEPHANIE LOPEZ, Acting City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2008-129

A RESOLUTION APPROVING A REQUEST FROM STANISLAUS PRIDE CENTER FOR AMPLIFIED MUSIC AT MANCINI BOWL, GRACEADA PARK, FOR STANISLAUS PRIDE DAY, TO BE HELD ON SEPTEMBER 27, 2008, FROM 2:00 PM TO 8:00 PM

WHEREAS, on October 12, 2007, the Parks, Recreation and Neighborhoods Department staff received a request from Stanislaus PRIDE Center for amplified music at Mancini Bowl, Graceada Park, for Stanislaus PRIDE Day, to be held on September 27, 2008, from 2:00 p.m. to 8:00 p.m., and

WHEREAS, in addition to the amplified music, the event will also include information booths and food vendors, and

WHEREAS, the use of amplified music requires approval from the City Council; and if the request for amplified music is approved, a team of staff members from the City of Modesto will meet with members of Stanislaus PRIDE Center to work out all requirements and details for the event, and

WHEREAS, Stanislaus PRIDE Center will be responsible for all fees related to this event, and

WHEREAS, the Safety and Communities Committee met on February 4, 2008, and supported staff's recommendation to approve the request from Stanislaus PRIDE Center for amplified music at Mancini Bowl, Graceada Park, for Stanislaus PRIDE Day, to be held on September 27, 2008, from 2:00 p.m. to 8:00 p.m.,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves the request from Stanislaus PRIDE Center for amplified music at
Mancini Bowl, Graceada Park, for Stanislaus PRIDE Day, to be held on September 27, 2008, from 2:00 p.m. to 8:00 p.m.

The foregoing resolution was introduced at a special 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 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

ATTEST: STEPHANIE LOPEZ, Acting City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2008-130

A RESOLUTION APPROVING A REQUEST FROM JOHN BLACK OF JB SPECIAL EVENTS AND PROMOTIONS FOR AMPLIFIED MUSIC AT MANCINI BOWL, GRACEADA PARK, FOR THE MODESTO BLUES FESTIVAL EVENT TO BE HELD ON JUNE 14, 2008, FROM 1:00 PM TO 9:30 PM

WHEREAS, on December 26, 2007, the Parks, Recreation and Neighborhoods Department staff received a request from John Black of JB Special Events and Promotions for amplified music at Mancini Bowl, Graceada Park, for the Modesto Blues Festival event, to be held on June 14, 2008, from 1:00 p.m. to 9:30 p.m., and

WHEREAS, the event is part of the annual Graffiti Summer celebration and is free to all ages. In addition to the amplified music, the event will also include a small hotrod show with food and drink concessions as a “United Walk” activity designed to bring attention to mental illness issues in the community, and

WHEREAS, there will also be a beer garden for participants over the age of 21. JB Special Events and Promotions will provide security personnel at the beer garden area; and, if deemed necessary, Modesto Police Department will also provide staff, and

WHEREAS, the use of amplified music requires approval from the City Council; and if the request for amplified music is approved, a team of staff members from the City of Modesto will meet with members of John Black of JB Special Events and Promotions to work out all requirements and details for the event, and

WHEREAS, John Black of JB Special Events and Promotions will be responsible for all fees related to this event, and
WHEREAS, the Safety and Communities Committee met on February 4, 2008, and supported staff's recommendation to approve the request from John Black of JB Special Events and Promotions for amplified music at Mancini Bowl, Graceada Park, for the Modesto Blues Festival event to be held on June 14, 2008, from 1:00 p.m. to 9:30 p.m.,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves the request from John Black of JB Special Events and Promotions for amplified music at Mancini Bowl, Graceada Park, for the Modesto Blues Festival event to be held on June 14, 2008, from 1:00 p.m. to 9:30 p.m.

The foregoing resolution was introduced at a special 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 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]

APPROVED AS TO FORM:

By: [Signature]

SUSANA ALCALA WOOD, City Attorney

WHEREAS, the City of Modesto and the County of Stanislaus entered into a Joint Exercise of Powers Agreement for Emergency Dispatch Services, and

WHEREAS, the Stanislaus Regional 911 Communication Center provides the citizens of both the City of Modesto and the County of Stanislaus with a vital link to law enforcement, ambulance and fire services, and

WHEREAS, the Agreement provides for the sharing of costs for dispatch services between the City, the County and other participating agencies, and

WHEREAS, the current Agreement provides for an Emergency Dispatch Services Director to manage and lead a centralized emergency dispatch operation for the Joint Powers Agency, and

WHEREAS, on November 3, 2004, the Council approved the new classification of Emergency Dispatch Director as a City of Modesto employee under contract with Stanislaus Regional 911 Joint Powers Agency, and

WHEREAS, the Joint Powers Agency is contractually obligated to reimburse the City for salary, benefits, retirement costs and a vehicle for this position, and

WHEREAS, on January 24, 2005, the City Council approved the Advisory Board of the Stanislaus Regional 911 Communications Center’s request to fill its Deputy Director of Operations position with a Modesto Police Lieutenant, and
WHEREAS, the current Emergency Dispatch Services Director of the Communications Center has announced he will be vacating his position, and

WHEREAS, at the January 31, 2008 Joint Powers Agency Commission meeting, the Commission approved a proposal to replace the current Emergency Dispatch Services Director with a Captain’s position from the Modesto Police Department, and

WHEREAS, the current cost of the Emergency Dispatch Director’s salary is 9% higher than a Captain’s salary; however, once benefit and retirement costs are factored into the Captain’s position, the cost will exceed that of the Emergency Dispatch Director by approximately $3,600 a year, and

WHEREAS, the Joint Powers Agency will continue to reimburse the City for the Captain’s salary, benefits, retirement costs and a vehicle, and

WHEREAS, the Commission approved replacing the Deputy Director of Operations, which has been filled by a Modesto Police Department Lieutenant, with a Lieutenant from the Stanislaus County Sheriff’s Office,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Police Department position allocation as adopted by the City Council as part of the 2007/2008 budget to approve an additional Police Captain position to manage the Stanislaus Regional 911 Communications Center effective March 4, 2008, eliminate one full-time Police Lieutenant position effective March 4, 2008 and one Emergency Dispatch Services Director position effective May 1, 2008.

BE IT FURTHER RESOLVED that the Interim City Manager, or his designee, is hereby authorized to take the necessary steps to implement the provisions of this resolution.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of February, 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]

STEPHANIE LOPEZ, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By [Signature]

SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2008-132

A RESOLUTION AMENDING THE MODESTO POLICE DEPARTMENT’S 2007/08 BUDGET REDUCING EXPENDITURES BY $23,470 DUE TO PERSONNEL CHANGES THAT ARE REIMBURSED BY THE STANISLAUS REGIONAL 911 COMMUNICATIONS CENTER.

WHEREAS, the City of Modesto and the County of Stanislaus entered into a Joint Exercise of Powers Agreement for Emergency Dispatch Services, and

WHEREAS, the Stanislaus Regional 911 Communications Center provides the citizens of both the City of Modesto and the County of Stanislaus with a vital link to law enforcement, ambulance and fire services, and

WHEREAS, the Agreement provides for the sharing of costs for dispatch services between the City, the County and other participating agencies, and

WHEREAS, the current Agreement provides for an Emergency Dispatch Services Director to manage and lead a centralized emergency dispatch operation for the Joint Powers Agency, and

WHEREAS, on November 3, 2004, the Council approved the new classification of Emergency Dispatch Director as a City of Modesto employee under contract with Stanislaus Regional 911 Joint Powers Agency, and

WHEREAS, the Joint Powers Agency is contractually obligated to reimburse the City for salary, benefits, retirement costs and a vehicle for this position, and

WHEREAS, on January 24, 2005, the City Council approved the Advisory Board of the Stanislaus Regional 911 Communications Center’s request to fill its Deputy Director of Operations position with a Modesto Police Lieutenant, and

WHEREAS, the current Emergency Dispatch Services Director of the Communications Center has announced he will be vacating the position, and
WHEREAS, at the January 31, 2008 Joint Powers Agency Commission meeting, the Commission approved a proposal to replace the current Emergency Dispatch Services Director with a Captain from the Modesto Police Department, and

WHEREAS, the current cost of the Emergency Dispatch Director’s salary is 9% higher than a Captain’s salary; however, once benefit and retirement costs are factored into the Captain’s position, the cost will exceed that of the Emergency Dispatch Director by approximately $3,600 a year, and

WHEREAS, the Joint Power Agency will reimburse the City for the Captain’s salary, benefits, retirement costs and a vehicle, and

WHEREAS, the Commission also approved replacing the Deputy Director of Operations, which has been filled by a Modesto Police Department Lieutenant, with a Lieutenant from the Stanislaus County Sheriff’s Office, and

WHEREAS, due to the personnel changes approved by the Joint Powers Agency, the Modesto Police Department will no longer need a Lieutenant position to fill this assignment, and

WHEREAS, there are currently 13 Lieutenant authorized positions and once a Lieutenant is promoted to Captain, the department-authorized positions will be reduced to 12, and

WHEREAS, the Captain who will serve as the Emergency Dispatch Director of the Communications Center and will increase the authorized Captain positions from four to five (including the Assistant Chief),
WHEREAS, with the elimination of the Lieutenant and addition of a Captain as of March 4, 2008, and the elimination of the Director as of May 1, 2008, the Police Department budget for personnel costs can be reduced $23,470, and

WHEREAS, the revenue budget does not need to be adjusted,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Modesto Police Department's 2007/08 budget reducing expenditures by $23,470 due to personnel changes that are reimbursed by the Stanislaus Regional 911 Communications Center.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of February, 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

(SEAL)

APPROVED AS TO FORM:

By 

SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL  
RESOLUTION NO. 2008-133  

A RESOLUTION APPROVING A GRANT APPLICATION FOR $337,200 IN FUNDING FROM THE ENVIRONMENTAL PROTECTION AGENCY (EPA) FOR DESIGN COMPLETION AND CONSTRUCTION OF A PORTION OF THE NINTH STREET STORM DRAIN, AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE APPLICATION.  

WHEREAS, the Ninth Street Storm Drain system is undersized causing localized flooding in the downtown area, and  

WHEREAS, the Environmental Protection Agency (EPA) allocates funding to provide grants to local entities for storm drain improvements, and  

WHEREAS, on January 14, 2003, by Resolution No. 2003-33 the City Council accepted an EPA Grant for $242,500 for the Design of the Ninth Street Storm Drain, and  

WHEREAS, design is near completion for a relief pipeline located on Eighth Street with three connections to the existing Ninth Street Storm Drain pipeline, and  

WHEREAS, the EPA is offering additional funding in the amount of $337,200 for design completion and constructing the first phase of the Ninth Street Storm Drain pipeline project, and  

WHEREAS, if the application is approved and funded by the EPA, then a Grant Acceptance will be presented to Council at a later date, and  

WHEREAS, the City of Modesto must follow administrative conditions to receive grant funding including using Federal funds for project approved expenses,  

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Grant Application for $337,200 in funding from the Environmental Protection Agency (EPA) for design completion and construction of a portion of the Ninth Street Storm Drain.
BE IT FURTHER RESOLVED that the Interim City Manager, or his designee, is hereby authorized to execute and file the necessary applications, financial and accounting forms, and other documents required by EPA regulations for the City of Modesto to receive approval for grant funding of the Ninth Street Storm Drain project.

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 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: Keating, Lopez, Marsh, O’Bryant, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Hawn

ATTEST: 

STEPHANIE LOPEZ, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By

SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2008-134

A RESOLUTION AMENDING THE FY 07-08 OPERATING AND CAPITAL IMPROVEMENT PROGRAM BUDGETS TO DECREASE ACCOUNT 0700-430-4380-0235 “ANNUAL SLURRY SEAL” BY TRANSFERRING $275,891 TO ACCOUNT 0700-800-8000-8003 “GAS TAX RESERVES, THEN TRANSFERRING THE SAME AMOUNT FROM ACCOUNT 0700-800-8000-8003 “GAS TAX RESERVES TO ACCOUNT 6280-800-8000-8003 “STORM DRAIN RESERVES”, THEN TRANSFERRING THE SAME AMOUNT FROM ACCOUNT 6280-800-8000-8003 “STORM DRAIN RESERVES” TO CIP ACCOUNT 6280-430-N686-6053 “9TH STREET STORM DRAINAGE”, REQUIRED AS CITY’S 45% SHARE OF MATCHING FUNDS ASSOCIATED WITH THE GRANT APPLICATION FOR FUNDING FROM THE ENVIRONMENTAL PROTECTION AGENCY (EPA) FOR THE NINTH STREET STORM DRAIN PROJECT.

WHEREAS, the City of Modesto will be required to provide 45% matching funds to the Environmental Protection Agency (EPA) Grant for the Ninth Street Storm Drain project in the amount of $275,891 which represents the City’s share, and

WHEREAS, there are currently insufficient funds in Storm Drain and Gas Tax Reserves to cover the City matching funds for this project, and

WHEREAS, City matching funds are available from Operating Account 0700-430-4380-0235 “Annual Slurry Seal” in the amount of $275,891, and

WHEREAS, due to project savings from previous years and scheduled receipts of gasoline tax, the Annual Slurry Seal account can provide funding for the proposed Ninth Street Storm Drain matching funds and future allocations for overlay projects, and

WHEREAS, certain budgetary transactions are necessary to transfer funds in the amount of $275,891, to cover the City’s 45% share of costs associated with the EPA Grant application for the Ninth Street Storm Drain project, and

WHEREAS, in order to fund the City’s 45% share of costs associated with the EPA Grant application for the Ninth Street Storm Drain project, the current operating and Capital Improvement Program budgets must be amended by decreasing Account 0700-
430-4380-0235 "Annual Slurry Seal" by transferring $275,891 to Account 0700-800-8000-8003 "Gas Tax Reserves, then transferring the same amount from Account 0700-800-8000-8003 "Gas Tax Reserves to Account 6280-800-8000-8003 "Storm Drain Reserves", then transferring the same amount from Account 6280-800-8000-8003 "Storm Drain Reserves" to CIP Account 6280-430-N686-6053 “9th Street Storm Drainage”,

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 cover the City’s 45% share of costs associated with the EPA Grant application for the Ninth Street Storm Drain 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 26th day of February, 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: Keating, Lopez, Marsh, O’Bryant, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Hawn

ATTEST: ____________________________
               STEPHANIE LOPEZ, Acting City Clerk
(SEAL)

APPROVED AS TO FORM:

By ________________________________
       SUSANA ALCALA WOOD, City Attorney
MODesto CITY COUNCIL
RESOLUTION NO. 2008-135

A RESOLUTION ACCEPTING THE WORK BY TEICHERT CONSTRUCTION FOR THE PROJECT TITLED “WOODLAND AVENUE IMPROVEMENTS AT CARPENTER ROAD” 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 $189,465.54.

WHEREAS, a report has been filed by the Public Works Director that the project titled “Woodland Avenue Improvements at Carpenter Road” has been completed by Teichert Construction in accordance with the contract agreement dated February 27, 2007,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the project titled “Woodland Avenue Improvements at Carpenter Road” is hereby accepted as complete from said contractor Teichert 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 $189,465.54 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 26th day of February, 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]

STEPHANIE LOPEZ, Acting City Clerk
(SEAL)

APPROVED AS TO FORM:

By [Signature]

SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2008-136

A RESOLUTION APPROVING A SECOND AMENDMENT TO THE AGREEMENT WITH KLEINFELDER WEST, INC. FOR CONTINUED WELL MONITORING AND REPORTING SERVICES, IN THE AMOUNT OF $14,072, FOR THE PROJECT TITLED “9TH STREET STORM DRAINAGE BASIN AT KANSAS-9TH-NEEDHAM,” AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE SECOND AMENDMENT TO THE AGREEMENT.

WHEREAS, during excavation of the 9th Street Storm Drainage Basin, as part of the Kansas-Needham Overhead construction, petroleum products were discovered that needed to be alleviated, and

WHEREAS, on April 22, 2005, the City entered into an Agreement with Kleinfelder West, Inc. for a Sensitive Receptor Survey and Limited Soil Sampling and Analysis at the request of Stanislaus County Department of Environment Resources (SCDER), and

WHEREAS, Kleinfelder has written a Corrective Action Plan (CAP) for the cleanup of the site, and

WHEREAS, on September 26, 2006, the First Amendment to the Agreement was executed for additional ground water monitoring services that were necessary to complete the scope of services provided for under the original agreement, and

WHEREAS, it was determined that additional services would be needed from Kleinfelder West, Inc. to allow final closure, and

WHEREAS, staff recommends execution of a Second Amendment to the Agreement with Kleinfelder West, Inc. for services associated with the ground water monitoring,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Second Amendment to the Agreement with Kleinfelder West, Inc., in the amount of $14,070.00, thereby increasing the total not to exceed amount to $58,737.00, for consultant services in conjunction with groundwater monitoring.

BE IT FURTHER RESOLVED that the Interim City Manager, or his designee, is hereby authorized to execute the Second Amendment to Agreement.

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 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

APPROVED AS TO FORM:

By

SUSANNA ALCALA WOOD, City Attorney