A RESOLUTION APPROVING AMENDMENT NO. 3 TO THE STANDARD AGREEMENT FOR CONSULTANT SERVICES BETWEEN THE CITY OF MODESTO AND JERRY HAAG, FOR PLANNING SUPPORT SERVICES FOR THE COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT, FOR AN ADDITIONAL AMOUNT OF $50,000, FOR A TOTAL AMOUNT NOT TO EXCEED $149,999 AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AMENDMENT TO AGREEMENT

WHEREAS, on November 14, 2005, the City of Modesto entered into a Standard Agreement for consultant services with Jerry Haag, Planning Consultant, to provide planning services for the Community & Economic Development Department, in an amount not to exceed $49,000, and

WHEREAS, on November 14, 2006, the contract was amended to extend the term of agreement to continue in effect until City’s acceptance of and payment for all services authorized by City and performed by Consultant, and

WHEREAS, on January 9, 2007, by Resolution No. 2007-048, the contract was amended to provide for additional services and additional compensation for an additional amount of $50,000, not to exceed $99,999, and

WHEREAS, the Planning Division performs a number of tasks requiring consultant planning services, and

WHEREAS, due to workload levels and staffing shortfalls, consultant planning services are necessary to augment planning services already provided by the Planning Division, and

WHEREAS, contract planning assistance is necessary to assist the City to efficiently manage the specific plan project load in a manner that is responsive to the City’s customers, and
WHEREAS, there are currently six specific plan proposals underway in the City, and

WHEREAS, Jerry Haag is currently providing planning services on a time and materials basis, to manage two specific plans and related Environmental Impact Reports: Woodglen and Pelandale-McHenry, and

WHEREAS, in accordance with the Standard Agreement, Jerry Haag has been providing consultant planning services since November 14, 2005, and the contract amount of $99,999 has almost been reached, and

WHEREAS, in order to continue the review and processing of the current specific plan case load, the Community and Economic Development Department is proposing an Amendment No. 3 to the Standard Agreement for Consultant Services with Jerry Haag for an additional amount of $50,000, for a total amount not to exceed $149,999, and

WHEREAS, Jerry Haag’s assistance is needed to complete the processing of two specific plans nearing completion, Woodglen and Pelandale-McHenry, and

WHEREAS, Jerry Haag is familiar with these projects and his oversight is needed for these projects to proceed forward in a timely manner, and

WHEREAS, Jerry Haag is familiar with the City’s standards, policies, and operating procedures, having provided prior services in conjunction with the City’s overall urban and environmental planning efforts, and has demonstrated satisfactory services to the City on past and current projects, and

WHEREAS, Jerry Haag is also qualified to provide the requested consultant planning services in a timely and cost effective manner, and

WHEREAS, Jerry Haag has intimate knowledge of coordinating with City staff in furtherance of planning services and conferring with and advising City staff regarding environmental laws, regulations, and policies, and
WHEREAS, funding for the services to the Community and Economic Development Department is allocated in the FY 07/08 CEDD budget in the amount of $15,000 to come from undetermined developer-funded projects located in fund 0800, $15,000 in account 0800-140-1447-0235 and $20,000 in account 0800-140-1452-0235,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves Amendment No. 3 to the Standard Agreement for Consultant Services between the City of Modesto and Jerry Haag, Planning Consultant, for consultant planning services for the Community & Economic Development Department, Planning Division for an additional amount of $50,000, for a total amount not to exceed $149,999.

BE IT FURTHER RESOLVED that the 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 7th day of November, 2007, by Councilmember O’Bryant, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: Jean Morris, City Clerk
(SEAL)

APPROVED AS TO FORM:

BY: Susan Acala Wood, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2007-638

A RESOLUTION APPROVING AMENDMENT NO. 1 TO THE STANDARD AGREEMENT FOR CONSULTANT SERVICES BETWEEN THE CITY OF MODESTO AND PACIFIC MUNICIPAL CONSULTANTS (PMC), FOR PLANNING SUPPORT SERVICES FOR THE COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT, FOR AN ADDITIONAL AMOUNT OF $100,000, FOR A TOTAL AMOUNT NOT TO EXCEED $280,000 AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AMENDMENT TO AGREEMENT

WHEREAS, on December 12, 2006, by Resolution No. 2006-768, the City of Modesto entered into a Standard Agreement for consultant services with Pacific Municipal Consultants (PMC) to provide planning services for the Community & Economic Development Department, in an amount not to exceed $180,000, and

WHEREAS, the Planning Division performs a number of tasks requiring consultant planning services, and

WHEREAS, due to workload levels and staffing shortfalls, consultant planning services are necessary to augment planning services already provided by the Planning Division, and

WHEREAS, contract planning assistance is necessary to assist the City to efficiently manage the specific plan project load in a manner that is responsive to the City’s customers, and

WHEREAS, PMC is currently providing planning services on a time and materials basis, to assist with managing the Kiernan Business Park East Specific Plan Amendment, and

WHEREAS, the Planning Division has also used PMC’s services to assist on a number of high-priority infill projects, such as the Gould Medical Center expansion and the Vintage Faire Mall expansion, and
WHEREAS, as with the specific plans, a majority of these projects have been applicant-funded through the payment of time-and-material fees, and

WHEREAS, in accordance with the Standard Agreement, PMC has been providing consultant planning services, and $163,073.09 of the original contract amount of $180,000 has been expended, and

WHEREAS, in order to satisfy on-going needs, the Community and Economic Development Department is proposing an amendment to the Standard Agreement for Consultant Services with Pacific Municipal Consultants for an additional amount of $100,000, for a total amount not to exceed $280,000, and

WHEREAS, PMC is familiar with the City’s standards, policies, and operating procedures, having provided prior services in conjunction with the City’s overall urban and environmental planning efforts, and has demonstrated satisfactory services to the City on past and current projects, and

WHEREAS, the Planning Division anticipates processing several complex and high-priority projects in the near future in which PMC’s experience and expertise will greatly assist in expediting, and

WHEREAS, funding for the services to the Community and Economic Development Department is allocated in the FY 07/08 CEDD budget in the amount of $25,000 in account 0100-140-1430-0235, with the remaining $75,000 to come from various developer funded projects located in fund 0800,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves Amendment No. 1 to the Standard Agreement for Consultant Services between the City of Modesto and Pacific Municipal Consultants for consultant
planning services for the Community & Economic Development Department, Planning Division for an additional amount of $100,000, for a total amount not to exceed $280,000.

BE IT FURTHER RESOLVED that the 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 7th day of November, 2007, by Councilmember O’Bryant, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

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

[Signature]
JEAN MORRIS, City Clerk
(SEAL)

APPROVED AS TO FORM:

BY: ___________________________
SUSAN ALCALA WOOD, City Attorney
A RESOLUTION AUTHORIZING THE AWARD OF BID AND CONTRACT FOR THE PURCHASE OF A PARKING LOT SWEEPER TO MASCO SWEEPERS, INC., SANTA CLARA, CA, AND AUTHORIZING THE PURCHASING MANAGER TO ISSUE A PURCHASE ORDER FOR AN ESTIMATED TOTAL COST OF $53,151.

WHEREAS, on August 2, 2006, Council approved Resolution No. 2006-245 authorizing the Purchasing Manager to issue formal Request for Bids (RFB) for new vehicles and heavy equipment throughout FY 06/07 through various competitive processes, with the Purchasing Division coming back to Council for award authorization, and

WHEREAS, on July 10, 2007, the Purchasing Division issued RFB No. 0607-41 for the purchase of a parking lot sweeper to five (5) prospective bidders, posted the bid on the City’s web site and formally advertised as required by law, and

WHEREAS, on August 28, 2007, RFB’s were formally opened in the City Clerk’s office. Of the five (5) prospective bidders, one company chose to respond with two (2) different manufacture vehicles. The bidder provided responsive and responsible bids, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $50,000 for material, equipment or contractual services to be formally bid. The award of bid and contract for the purchase of a parking lot sweeper for the Public Works Department, Fleet Services Division, conforms to the Modesto Municipal Code, and

WHEREAS, funds are budgeted and available in the following account for the purchase of a parking lot sweeper for FY 07/08, account number 7210-480-5814-5721,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the award of bid and contract for the purchase of a parking lot sweeper to Masco Sweepers, Inc., Santa Clara, CA.

BE IT FURTHER RESOLVED that the Purchasing Manager is hereby authorized to issue a purchase order for an estimated total cost of $53,151.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of November, 2007, by Councilmember Dunbar, 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: Dunbar, Hawn, Keating, Marsh, O'Bryant, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Morris, City Clerk

APPROVED AS TO FORM:

By: Susana Alcala Wood, City Attorney
A RESOLUTION AUTHORIZING THE AWARD OF BID AND CONTRACT FOR THE PURCHASE OF A TRUCK WITH UTILITY BODY AND CRANE TO BROADWAY FORD, OAKLAND, CA, AND AUTHORIZING THE PURCHASING MANAGER TO ISSUE A PURCHASE ORDER FOR AN ESTIMATED TOTAL COST OF $68,338.

WHEREAS, on August 2, 2006, Council approved Resolution No. 2006-245 authorizing the Purchasing Manager to issue formal Request for Bids (RFB) for new vehicles and heavy equipment throughout FY 06/07 through various competitive processes, with the Purchasing Division coming back to Council for award authorization, and

WHEREAS, on July 5, 2007, the Purchasing Division issued RFB No. 0607-40 for the purchase of a truck with utility body and crane to thirty (30) prospective bidders, five (5) of which were local companies, posted the bid on the City’s web site and formally advertised as required by law, and

WHEREAS, on July 12, 2007, a bidders conference was held. Three (3) companies were in attendance, and

WHEREAS, on August 28, 2007, RFB’s were formally opened in the City Clerk’s office. Of the thirty (30) prospective bidders, two (2) companies chose to respond. All bidders provided responsive and responsible bids, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $50,000 for material, equipment or contractual services to be formally bid. The award of bid and contract for the purchase of a truck with utility body and crane for the Public Works Department, Fleet Services Division, conforms to the Modesto Municipal Code, and
WHEREAS, funds are budgeted and available in the following account for the purchase of a truck with utility body and crane for FY 07/08, account number 7210-480-5814-5708,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the award of bid and contract for the purchase of a truck with utility body and crane to Broadway Ford, Oakland, CA.

BE IT FURTHER RESOLVED that the Purchasing Manager is hereby authorized to issue a purchase order for an estimated total cost of $68,338.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of November, 2007, by Councilmember Dunbar, 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: Dunbar, Hawn, Keating, Marsh, O’Bryant, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: ____________________________

Jean Morris, City Clerk

APPROVED AS TO FORM:

By: ____________________________

Susana Alcala Wood, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2007-641

A RESOLUTION AUTHORIZING THE AWARD OF BID AND CONTRACT FOR THE PURCHASE OF BALLISTIC VESTS FOR THE MODESTO POLICE DEPARTMENT, TO LC ACTION POLICE SUPPLY, SAN JOSE, CA, AND AUTHORIZING THE PURCHASING MANAGER TO ISSUE AN ANNUAL PURCHASE AGREEMENT FOR A TWO (2) YEAR AGREEMENT, WITH THREE (3) ONE-YEAR EXTENSION OPTIONS AT THE SOLE DISCRETION OF THE CITY, FOR AN ESTIMATED ANNUAL TOTAL COST OF $39,343

WHEREAS, the Modesto Police Department provides ballistic vests for all of its sworn and some civilian positions, and

WHEREAS, a custom fitted vest is provided at the time of hire and current personnel are provided a replacement vest every five (5) years, and

WHEREAS, on July 10, 2007, Council approved Resolution No. 2007-419 authorizing the Purchasing Manager to issue formal Request for Bids (RFB) for the purchase of ballistic vests for the Modesto Police Department, and

WHEREAS, on August 13, 2007, the Purchasing Division issued Request for Bid No. 0708-05 for the purchase of ballistic vests to ten (10) prospective bidders, one of which was a local company, posted the bid on the City’s web site, and formally advertised as required by law, and

WHEREAS, on August 22, 2007, a bidders conference was held, two (2) companies were in attendance, and

WHEREAS, on September 11, 2007, RFB’s were formally opened in the City Clerk’s office, of the ten (10) prospective bidders, three (3) companies chose to respond, and

WHEREAS, one company submitted a non-responsive and non-responsible bid and the bid submittal was rejected, and
WHEREAS, based on being deemed the lowest responsive and responsible bidder, City staff recommends the award of bid and contract for the purchase of ballistic vests for the Modesto Police Department, to LC Action Police Supply, San Jose, CA, and authorizing the Purchasing Manager to issue an annual purchase agreement for a two (2) year agreement, with three (3) one-year extension options at the sole discretion of the City, for an estimated annual total cost of $39,343 and

WHEREAS, the Modesto Municipal Code, MMC 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 ballistic vests for the Modesto Police Department conforms to the Modesto Municipal Code, and

WHEREAS, funds are budgeted and available in the following account for the purchase of ballistic vests in FY 07/08, account number 0100-190-1921-0356, and

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 ballistic vests for the Modesto Police Department to LC Action Police Supply, San Jose, CA, and authorizing the Purchasing Manager to issue an annual purchase agreement for a two (2) year agreement, with three (3) one-year extension options at the sole discretion of the City, for an estimated annual total cost of $39,343

BE IT FURTHER RESOLVED that the Purchasing Manager is hereby authorized to issue an annual purchase agreement for a two (2) year agreement, with three (3) one-year extension options at the sole discretion of the City, for an estimated annual total cost of $39,343.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of November, 2007, by Councilmember Dunbar, 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: Dunbar, Hawn, Keating, Marsh, O’Bryant, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED AS TO FORM:

By: Susana Alcala Wood, City Attorney

ATTEST: Jean Morris, City Clerk
A RESOLUTION REJECTING A BID FOR THE REPAIR AND/OR REPLACEMENT OF SEVEN (7) CITY OWNED RESTROOM ROOFS FOR THE PARKS, RECREATION AND NEIGHBORHOODS DEPARTMENT, AND AUTHORIZING THE PURCHASING MANAGER TO ISSUE AN INFORMAL REQUEST FOR BIDS AND AWARD A PURCHASE AGREEMENT FOR THE REPAIR OF FOUR (4) CITY OWNED RESTROOM ROOFS, AT AN ESTIMATED TOTAL COST OF $25,000

WHEREAS, the Parks, Recreation and Neighborhoods Department is responsible for the maintenance of all City owned park sites, and

WHEREAS, park sites include restroom facilities that, in many cases, are facilities that were built 30 to 45 years ago, and

WHEREAS, over this period of time, roofs have been patched and repaired to prevent leaking. Because some of these roofs have been patched and repaired continuously, many of them have dry rot damage that can no longer be repaired, and

WHEREAS, a thorough review of the park sites and an analysis of the roofing structures determined that the roofs on the restrooms at Marshall Park, Cesar Chavez Park, and Breadbrook Park have significant dry rot damage and are in need of complete re-roofing including replacement of trusses, and

WHEREAS, during the review of restrooms roofs, it was determined that the roofs on the restrooms at East La Loma Park, Revard Park, Lakewood Park, and Sipherd Park are in need of repair due to leakage, and

WHEREAS, on February 27, 2007, Council approved Resolution No. 2007-133 authorizing the Purchasing Manager to issue formal Request for Bids (RFB) to re-roof three (3) City owned restrooms and repair roofs on four (4) City owned restrooms for the Parks, Recreation and Neighborhoods Department, and

WHEREAS, on April 9, 2007, the Purchasing Division issued Request for Bid No. 0607-43 for the repair/replacement of seven (7) City owned park restrooms to twenty-seven (27) prospective bidders, twenty (20) of which were local companies, posted the bid on the City’s web site, and formally advertised as required by law, and

WHEREAS, on April 17, 2007, a bidders conference was held, four (4) companies were in attendance, and
WHEREAS, on May 8, 2007, RFB’s were formally opened in the City Clerk’s office. Of the twenty-seven (27) prospective bidders, only one company chose to respond, and

WHEREAS, the engineer’s estimate and the bids are considered reasonable when any of the bids are within 10% of the engineer’s estimate, and

WHEREAS, in the current circumstance, however, the sole bid for the project was above the engineer’s estimate by three (3) fold. The engineer’s estimate for this project is $65,000 and the sole bid amount is $194,565, and

WHEREAS, bidder competition and participation was not evident in the bidding of this project, perhaps due to the small dollar amount of the estimated contract work ($65,000), and

WHEREAS, City staff recommends Council adopt a resolution rejecting the bid for the repair and/or replacement of seven (7) City owned restroom roofs for the Parks, Recreation and Neighborhoods Department, and authorizing the Purchasing Manager to issue informal Request for Bids and award a purchase agreement for the repair of four (4) City owned restroom roofs, at an estimated total cost of $25,000, and

WHEREAS, the Parks, Recreation and Neighborhoods Department will redesign the roof replacement for the three (3) park restrooms, becoming a Public Works project, and

WHEREAS, Modesto Municipal Code Section 8-3.204 states in part; except as otherwise provided by this chapter or when directed by the City Manager, all purchases involving an expenditure of City funds in the amount of fifty thousand dollars ($50,000) or less, shall be purchased, when feasible and when in the best interest of the City, in the open market by letter inquiry, informal solicitation, or telephone or facsimile solicitations, with or without newspaper advertisement, and without observation of prescribed formal bid procedures, and

WHEREAS, the issuance of an informal Request for Bid for the repair of four (4) City owned restroom roofs, conforms to the Modesto Municipal Code.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto as follows:
SECTION 1. Council adopt a resolution rejecting a bid for the repair and/or replacement of seven (7) City owned restroom roofs for the Parks, Recreation and Neighborhoods Department, and

SECTION 2. the Purchasing Manager shall issue an informal Request for Bids and award a purchase agreement for the repair of four (4) City owned restroom roofs, at an estimated total cost of $25,000.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of November, 2007, by Councilmember Dunbar, 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: Dunbar, Hawn, Keating, Marsh, O’Bryant, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Morris

APPROVED AS TO FORM:

By: Susana Alcala Wood, City Attorney
A RESOLUTION ACCEPTING STAFF REVIEW OF LANDSCAPE MAINTENANCE SERVICE AGREEMENT WITH GROVER LANDSCAPE SERVICES, INC. FOR MAINTENANCE OF CITY OF MODESTO PARKS AND OTHER OPEN SPACE

WHEREAS, City of Modesto Parks, Recreation and Neighborhoods Department, Parks Services Division, is responsible for landscape maintenance services to over 530 acres of landscaping for 66 parks and approximately 150 other landscaped sites including public buildings, street medians, sound walls, traffic islands and other miscellaneous sites, and

WHEREAS, funding for this maintenance is provided primarily by the City’s General Fund, although a number of sites are funded from other sources including the Tuolumne River Regional Park JPA, Parking Fund, Storm Drain Fund and several Community Facility Districts, and

WHEREAS, on November 22, 2005, by Resolution No. 2005-581, the City Council authorized the award of proposal for the furnishing of landscape maintenance services to Grover Landscape Services, Inc. and directed staff to negotiate a Landscape Maintenance Service Agreement (Agreement) with Grover Landscape Services, Inc. for parks, right-of-ways and public landscaping owned and/or maintained by the City of Modesto, and

WHEREAS, on March 7, 2006, by Resolution No. 2006-134, the City Council approved a Landscape Maintenance Service Agreement, effective March 21, 2006, between Grover Landscape Services, Inc. (Grover) and the City, and

WHEREAS, the agreement outlined funding strategies and the implementation of the outsourcing of park and open space maintenance services throughout the City, and
WHEREAS, staff has worked closely with Grover to ensure that the provisions of the Agreement and the responsibilities of each party are met, and

WHEREAS, the overall appearance and health of the City's parks and other open space has improved due to increased service levels made possible by the Agreement, and

WHEREAS, the Finance Committee met on September 24, 2007 and supported acceptance of the staff review of the Landscape Maintenance Service Agreement with Grover Landscape Services, Inc. for maintenance of City of Modesto parks and other open space,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby accepts the staff review of the Landscape Maintenance Service Agreement with Grover Landscape Services, Inc. for maintenance of City of Modesto parks and other open space.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of November 2007, by Councilmember Dunbar, 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: Dunbar, Hawn, Keating, Marsh, O'Bryant, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: _______________________

JEAN MORRIS, City Clerk

APPROVED AS TO FORM:

By: _______________________

SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2007-644

A RESOLUTION APPROVING AN AMENDMENT TO THE AGREEMENT WITH GROVER LANDSCAPING SERVICES, INC. TO AMEND THE SCOPE OF WORK TO REMOVE TASKS THAT WERE NOT INCLUDED IN THE NEGOTIATED AGREEMENT AND ASSOCIATED COSTS, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT TO AGREEMENT.

WHEREAS, City of Modesto Parks, Recreation and Neighborhoods Department, Parks Services Division, is responsible for landscape maintenance services to over 530 acres of landscaping for 66 parks and approximately 150 other landscaped sites including public buildings, street medians, sound walls, traffic islands and other miscellaneous sites, and

WHEREAS, funding for this maintenance is provided primarily by the City’s General Fund, although a number of sites are funded from other sources including the Tuolumne River Regional Park JPA, Parking Fund, Storm Drain Fund and several Community Facility Districts, and

WHEREAS, on November 22, 2005, by Resolution No. 2005-581, the City Council authorized the award of proposal for the furnishing of landscape maintenance services to Grover Landscape Services, Inc. and directed staff to negotiate a Landscape Maintenance Service Agreement (Agreement) with Grover Landscape Services, Inc. for parks, right-of-ways and public landscaping owned and/or maintained by the City of Modesto, and

WHEREAS, on March 7, 2006, by Resolution No. 2006-134, the City Council approved a Landscape Maintenance Service Agreement, effective March 21, 2006, between Grover Landscape Services, Inc. (Grover) and the City, and
WHEREAS, the original Request for Proposal Scope of Work included several
tasks that some bidders believed it was not possible to accurately assign a cost to, due to
existing conditions being unknown and specific sites being unidentified, and

WHEREAS, these tasks were turf leveling, infield edging, baseball infield turf
renovation and athletic field turf renovation, and

WHEREAS, the determination was made to remove these tasks and their
associated costs from the negotiated Agreement, and

WHEREAS, a review of the Scope of Work that was included with the approved
Agreement found that these four tasks were inadvertently left in, and

WHEREAS, staff is recommending that the Scope of Work be amended to
accurately reflect the tasks agreed to by both parties, and to remove the tasks that were
not included in the negotiated Agreement and associated costs, and

WHEREAS, the Finance Committee met on September 24, 2007, and supported
amending the Scope of Work in the Landscape Maintenance Service Agreement with
Grover Landscaping Services, Inc. to remove tasks that were not included in the
negotiated Agreement and associated costs,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of
Modesto that the Council hereby approves an Amendment to the Agreement with Grover
Landscaping Services, Inc. to amend the Scope of to remove tasks that were not included in the
negotiated agreement and associated costs.

BE IT FURTHER RESOLVED that the 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 7th day of November 2007, by Councilmember Dunbar, 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: Dunbar, Hawn, Keating, Marsh, O'Bryant, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED AS TO FORM:

Attest: Jean Morris, City Clerk

By: Susana Alcala Wood, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2007-645

A RESOLUTION APPROVING AN AGREEMENT WITH PACIFIC DESIGN ASSOCIATES, INC. FOR PROFESSIONAL ARCHITECTURAL SERVICES TO PREPARE DESIGN DEVELOPMENT AND CONSTRUCTION DOCUMENTS FOR THE JOHN THURMAN FIELD IMPROVEMENTS PROJECT AT A COST NOT TO EXCEED $157,500.00, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT.

WHEREAS, the City of Modesto currently owns John Thurman Field located at 601 Neece Drive, and

WHEREAS, the Stadium was built in 1955 and updated in the late 1990’s, and

WHEREAS, last year the City of Modesto entered into a ten-year agreement with the Modesto Nuts which included $3,000,000 in improvements to be done in the Stadium in the next few years, and

WHEREAS, Phase I, Press Box Expansion and Viewing Deck Addition, is anticipated to be complete by opening day of baseball season in 2008, and

WHEREAS, an RFP was distributed to twenty-four (24) architectural service providers in August 2007 for the three additional phases of development, and

WHEREAS, three (3) firms responded to the RFP and submitted a proposal by the September 10, 2007, deadline, and

WHEREAS, the six-member selection panel reviewed the proposals and made the determination to interview all three architectural firms, and

WHEREAS, on October 2, 2007, the selection panel reviewed the proposals and interviewed all three firms and determined that Pacific Design Associates, Inc. was the most qualified firm to complete this project, and
WHEREAS Pacific Design Associates, Inc. has agreed to provide Design
Development and Construction Documents at a cost not to exceed $157,500.00, and
WHEREAS, the design will be developed using a collaborative effort between the
City of Modesto and the Modesto Nuts staff,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that the Council hereby approves an Agreement with Pacific Design Associates, Inc. for
professional architectural services to prepare Design Development and Construction
Documents for the John Thurman Field Improvements Project at a cost not to exceed
$157,500.00.

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

The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 7th day of November 2007, by Councilmember Dunbar,
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: Dunbar, Hawn, Keating, Marsh, O'Bryant, Olsen,
Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: Jean Morris
JEAN MORRIS, City Clerk

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL  
RESOLUTION NO. 2007-646  

A RESOLUTION AMENDING THE FISCAL YEAR 2007-08 CAPITAL IMPROVEMENT BUDGET TO INCREASE THE ENGINEERING/DESIGN/ADMINISTRATION OBJECT 6010 IN THE THURMAN FIELD IMPROVEMENTS PROJECT #1400-310-P854 BY $40,000 TO PROVIDE AVAILABLE FUNDING IN THE AMOUNT OF $187,500 AND TO DECREASE THE CONSTRUCTION OBJECT 6040 IN THE THURMAN FIELD IMPROVEMENTS PROJECT #1400-310-P854 BY $40,000 TO $2,660,000.  

WHEREAS, the City of Modesto currently owns John Thurman Field located at 601 Neece Drive, and  

WHEREAS, the Stadium was built in 1955 and updated in the late 1990’s, and  

WHEREAS, last year the City of Modesto entered into a ten-year agreement with the Modesto Nuts which included $3,000,000 in improvements to be done in the Stadium in the next few years, and  

WHEREAS, Phase I, Press Box Expansion and Viewing Deck Addition, is anticipated to be complete by opening day of baseball season in 2008, and  

WHEREAS, an RFP was distributed to twenty-four (24) architectural service providers in August 2007 for the three additional phases of development, and  

WHEREAS, three (3) firms responded to the RFP and submitted proposals by the September 10, 2007, deadline, and  

WHEREAS, on October 2, 2007, the selection panel interviewed all three firms and determined that Pacific Design Associates, Inc. was the most qualified firm to complete this project, and  

WHEREAS Pacific Design Associates, Inc. has agreed to provide Design Development and Construction Documents at a cost not to exceed $157,500.00, and  

WHEREAS, the design will be developed using a collaborative effort between the City of Modesto and the Modesto Nuts staff, and
WHEREAS, a budget adjustment is needed to reallocate funds within the project and award a contract to Pacific Design Associates, Inc. to complete this work,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves amending the Fiscal year 2007-08 Capital Improvement budget to increase the Engineering/Design/Administration object 6010 in the Thurman Field Improvements project #1400-310-P854 by $40,000 to provide available funding in the amount of $187,500 and to decrease the Construction object 6040 in the Thurman Field Improvements project #1400-310-P854 by $40,000 to $2,660,000.

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 7th day of November 2007, by Councilmember Dunbar, who moved its adoption, which motion being duly seconded by Councilmember Hawn was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: Jean Morris

JEAN MORRIS, City Clerk

APPROVED AS TO FORM:

By: Susana Alcala Wood, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2007-647

A RESOLUTION APPROVING AN AGREEMENT FOR CONCESSION SERVICES BETWEEN THE CITY OF MODESTO AND REESE DENSMORE, A SOLE PROPRIETOR, DBA THE DISC GOLF STORE AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT.

WHEREAS, in early July 2007, Resse Densmore approached the City of Modesto regarding the placement of a concession trailer in East La Loma Park, and

WHEREAS, Mr. Densmore is interested in selling disc golf products, as well as pre-packaged food concession to visitors to the East La Loma Park, specifically the golfers utilizing the disc golf course located in East La Loma Park and Dry Creek Regional Park, and

WHEREAS, after several discussions and site visits, staff from the Parks, Recreation and Neighborhoods Department and Mr. Densmore found a location that was mutually agreeable, and

WHEREAS, after agreeing on a suitable location, a contract agreement was drafted to allow Mr. Densmore the opportunity to operate a concession trailer, on a pilot program basis, to see if there is large enough customer base to support a concession trailer at the East La Loma site, and

WHEREAS, currently, there are no concession vendors that regularly serve this park, and no legal vendors that service the disc golfers and their equipment needs, and

WHEREAS, through this arrangement, the City of Modesto will be able to ascertain if there is a large enough customer base to support a concession trailer, and

WHEREAS, the City will receive ten percent (10%) of gross sales from the arrangement, in exchange for the utilization of park property, and
WHEREAS, if the concession trailer concept is successful, the City of Modesto can decide to continue the concession trailer arrangement, or invest in a more permanent concession arrangement, and

WHEREAS, the Safety and Communities Committee met on October 1, 2007, and supported staff's recommendation,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves an Agreement for Concession Services with Reese Densmore, a sole proprietor, dba The Disc Golf Store.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of November 2007, by Councilmember Dunbar, 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: Dunbar, Hawn, Keating, Marsh, O'Bryant, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: JeAn MorriS, City Clerk

APPROVED AS TO FORM:

By: Susana AcalA wooD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2007-648

A RESOLUTION AMENDING THE BYLAWS OF THE SOLID WASTE ADVISORY COMMITTEE TO DELETE THE REQUIREMENT THAT CITIZEN REPRESENTATIVES BE EITHER “CITIZEN/CONSUMERS” OR “CITIZEN/NON-PROFITS”, AND DIRECTING STAFF TO PROCEED WITH THE RECRUITMENT OF ADDITIONAL CITIZEN REPRESENTATIVES TO SERVE ON THE SOLID WASTE ADVISORY COMMITTEE

WHEREAS, on April 25, 2006, by Resolution No. 2006-235, the Council approved the formation of a Council-appointed Solid Waste Advisory Committee, and

WHEREAS, the Committee provides rate setting recommendations to the City Council for garbage rates and compost facility tip fees, and advisory input into modifications or expansions of the City’s compost facility operations, and

WHEREAS, under the current by-laws, the Committee is comprised of the Deputy City Manager, the Finance Director, the Public Works Director, two “citizen/consumer” representatives, and two “citizen/non-profit” representatives, and

WHEREAS, since the Committee was originally formed, staff has conducted a continuous recruitment for citizen representatives, and has successfully filled the two “citizen/consumer” memberships, and

WHEREAS, the two “citizen/non-profit” memberships remain unfilled, despite outreach efforts, and

WHEREAS, in order to increase the citizen representation on the Committee, staff is recommending that the by-laws be amended to delete the identification of citizen representatives as either “consumers” or “non-profits” and that staff be directed to proceed with the recruitment of citizen representatives, and
WHEREAS, the Economic Development Committee met on October 8, 2007 and supported staff’s recommendation to amend the by-laws,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves amending the bylaws of the Solid Waste Advisory Committee to delete the requirement that citizen representatives be either “citizen/consumers” or “citizen/non-profits”.

BE IT FURTHER RESOLVED that staff is hereby directed to proceed with the recruitment of additional citizen representatives to serve on the Solid Waste Advisory Committee.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of November, 2007, by Councilmember Dunbar, 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: Dunbar, Hawn, Keating, Marsh, O’Bryant, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: Jean Morris

JEAN MORRIS, City Clerk

APPROVED AS TO FORM:

By: Susana Acalal Wood, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2007-649

A RESOLUTION APPROVING AN AGREEMENT WITH MODESTO SENIOR CITIZENS INC. (MSCI) TO ACCEPT A $5,000 DONATION TO PROVIDE IMPROVEMENTS TO THE KITCHEN AT THE MODESTO SENIOR CITIZENS CENTER, AND TO REAFFIRM FACILITY USAGE RATES AT THE MODESTO SENIOR CITIZENS CENTER AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT.

WHEREAS, on October 10, 1977, by Resolution No. 77-1044, Modesto Senior Citizens, Inc. (MSCI), a non-profit group comprised of senior citizens, entered into a 30-year agreement with the City of Modesto in which MSCI agreed to pay $100,000 towards the cost of expansion and remodeling of the Modesto Senior Citizens Center, located at 211 Bodem Street, and

WHEREAS, on August 14, 2007, by Resolution 2007-505, the City Council approved a resolution to update the terms of usage at the Modesto Senior Citizens Center, and

WHEREAS, prior to the inception of the new facility usage policy at the Modesto Senior Citizens Center, MSCI had expressed a desire to enter into an agreement with longer terms, and

WHEREAS, after a number of meetings with the MSCI President and other board members, MSCI offered to contribute $5,000 to the City of Modesto for kitchen upgrades, and

WHEREAS, the City is researching the possibility of upgrading the current residential refrigerator to a commercial grade refrigerator/freezer unit and additionally, the City hopes to add an ice-maker to the current kitchen facility, and

WHEREAS, MSCI, in exchange of their contribution to the City of Modesto, would receive a five-year agreement for the current $1.00 per hour rental rate at the Modesto Senior Citizens Center, until November 30, 2012, with an option to renew for another five years at that time, and
WHEREAS, the Safety and Communities Committee met on October 1, 2007, and supported staff’s recommendation,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves an Agreement with Modesto Senior Citizens Inc. (MSCI) to accept a $5,000 donation to provide improvements to the kitchen at the Modesto Senior Citizens Center, and to reaffirm facility usage rates at the Modesto Senior Citizens Center.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of November, 2007, by Councilmember Dunbar, 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: Dunbar, Hawn, Keating, Marsh, O’Bryant, Olsen, Mayor Ridenour
NOES: Councilmembers: None
ABSENT: Councilmembers: None

Attest:  
JEAN MORRIS, City Clerk

APPROVED AS TO FORM:

By:  
SUSANA ALCALA WOOD, City Attorney
A RESOLUTION AUTHORIZING THE SOLICITATION OF PROPOSALS FOR THE DESIGN AND INSTALLATION OF THE DIGESTER GAS TREATMENT PROJECT EQUIPMENT AT A COST OF $245,000, WITH A CONTINGENCY AMOUNT OF $36,750, FOR THE TOTAL AMOUNT NOT TO EXCEED $281,750.

WHEREAS, on September 26, 2006, by Resolution No. 2006-622, the City Council approved an agreement with California Energy Commission (CEC) to perform energy audits of the Sutter Avenue and Jennings Road Treatment Plant Facilities, and

WHEREAS, CEC contracted with Digital Energy to perform these energy audits and Digital Energy found that by installing a digester gas treatment system to feed an existing low emissions boiler burner the City would see a reduction in natural gas usage, and

WHEREAS, the Digester Gas Treatment project will replace the use of natural gas in the boiler operation with digester gas that is already produced at the Treatment Plant, and

WHEREAS, this project will require the installation of a system that will remove hydrogen sulfide and moisture from the digester gas, and require a new permit for boiler operation from the San Joaquin Valley Air Pollution Control District (SJVAPCD), and

WHEREAS, it is estimated that the utility bill savings from this project will be approximately $147,000 annually, and

WHEREAS, the estimated project cost for the Digester Gas Treatment project is $245,000, and

WHEREAS, PG&E is offering rebates through its PG&E performance contract rebates in the amount of $0.80 per therm for recovered thermal energy from flared gas, and

WHEREAS, approval from PG&E for this project would provide rebates in approximately $112,000, which will bring the project cost to $133,000, and

WHEREAS, funding for this project is available from Wastewater Reserves, and the expected payback from the rebates and energy savings is approximately one year, and
WHEREAS, the Council Economic Development Committee, at its October 8, 2007, meeting recommended approval of this item to the full Council,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the solicitation of proposals for the design and installation of the Digester Gas Treatment Project equipment at a cost of $245,000, with a contingency amount of $36,750, for the total amount not to exceed $281,750.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of November, 2007, by Councilmember Dunbar, 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: Dunbar, Hawn, Keating, Marsh, O’Bryant, Olsen, Mayor Ridenour
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: Jean Morris, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: Susana Alcala Wood, City Attorney
A RESOLUTION AUTHORIZING STAFF TO APPLY FOR PG&E REBATES IN THE AMOUNT OF $112,000 FOR THE DIGESTER GAS TREATMENT PROJECT.

WHEREAS, on September 26, 2006, by Resolution No. 2006-622, the City Council approved an agreement with California Energy Commission (CEC) to perform energy audits of the Sutter Avenue and Jennings Road Treatment Plant Facilities, and

WHEREAS, CEC contracted with Digital Energy to perform these energy audits and Digital Energy found that by installing digester gas treatment system to feed an existing low emissions boiler burner the City would see a reduction in natural gas usage, and

WHEREAS, it is estimated that the utility bill savings from this project will be approximately $147,000 annually, and

WHEREAS, the estimated project cost for the Digester Gas Treatment project is $245,000, and

WHEREAS, PG&E is offering rebates through its PG&E performance contract rebates in the amount of $0.80 per therm for recovered thermal energy from flared gas, and

WHEREAS, approval from PG&E for this project would provide rebates in approximately $112,000, which will bring the project cost to $133,000, and

WHEREAS, the Council Economic Development Committee, at its October 8, 2007, meeting recommended approval of this item to the full Council,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes staff to apply for PG&E Rebates in the amount of $112,000 for the Digester Gas Treatment Project.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of November, 2007, by Councilmember Dunbar, 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: Dunbar, Hawn, Keating, Marsh, O’Bryant, Olsen, Mayor Ridenour

**NOES:**
- Councilmembers: None

**ABSENT:**
- Councilmembers: None

**ATTEST:**

JEAN MORRIS, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:

SUSANA ALCALA WOOD, City Attorney
A RESOLUTION APPROVING THE TRANSFER OF $281,750 FROM WASTEWATER RESERVES TO CIP 6210-480-B463-6040 (DIGESTER GAS TREATMENT SYSTEM) TO FUND THIS PROJECT.

WHEREAS, on September 26, 2006, by Resolution No. 2006-622, the City Council approved an agreement with California Energy Commission (CEC) to perform energy audits of the Sutter Avenue and Jennings Road Treatment Plant Facilities, and

WHEREAS, CEC contracted with Digital Energy to perform these energy audits and Digital Energy found that by installing digester gas treatment system to feed an existing low emissions boiler burner the City would see a reduction in natural gas usage, and

WHEREAS, it is estimated that the utility bill savings from this project will be approximately $147,000 annually, and

WHEREAS, the estimated project cost for the Digester Gas Treatment project is $245,000, and

WHEREAS, the Council Economic Development Committee, at its October 8, 2007, meeting recommended approval of this item to the full Council,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes a transfer of $281,750 from Wastewater Reserves to CIP Account #6210-480-B463 (Digester Gas Treatment System) to fund this project.

BE IT FURTHER RESOLVED, that the Finance Department 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 7th day of November, 2007, by Councilmember Dunbar, 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: Dunbar, Hawn, Keating, Marsh, O'Bryant, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

JEAN MORRIS, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 

SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL  
RESOLUTION NO. 2007-653

A RESOLUTION APPROVING AN AMENDMENT TO THE LEASE AGREEMENT WITH LOUISE BOER, JR., AN INDIVIDUAL, FOR THE LEASE OF CITY-OWNED PROPERTY LOCATED AT THE NORTHWEST CORNER OF FRAZINE ROAD AND LA COSTE LANE, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT TO THE LEASE AGREEMENT.

WHEREAS, the Frazine Road property is an agricultural land parcel of approximately twelve (12) acres, consisting of almond and peach orchards, and

WHEREAS, the property was acquired as a part of a larger purchase of acreage to provide land for the Regional Water Treatment Plant storage tanks known as Terminal Reservoir, and

WHEREAS, the City has leased the property to Louis Boer, Jr. for the last year, and

WHEREAS, the terms of the original lease include an annual payment of $1,500 to the Water Enterprise Fund, payment of property taxes ($1,462 for FY 06/07), and an irrigation tax of approximately $300, and

WHEREAS, the tenant is responsible for maintaining the property and trees in accordance with accepted agricultural practices, and

WHEREAS, this Amendment to the Lease Agreement removes the profit share portion of the lease and lengthens the contract to five years, and

WHEREAS, the cost to the City to maintain this property would be much more than leasing it out to a private party to maintain, and

WHEREAS, the Finance Committee, at its September 24, 2007 meeting, recommended approval of the amendment to the lease agreement,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves and amendment to the original lease agreement with Louis Boer, Jr., an individual, for the lease of City-owned property located at the northwest corner of Frazine Road and La Coste Lane.

BE IT FURTHER RESOLVED that the Council hereby authorizes the City Manager, or his designee, to execute the Amendment to the Lease Agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of November, 2007, by Councilmember Dunbar, 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: Dunbar, Hawn, Keating, Marsh, O'Bryant, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

JEAN MORRIS, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 

SUSANA ALCALA WOOD, City Attorney
A RESOLUTION AUTHORIZING THE PURCHASING MANAGER TO CONDUCT A SOLE SOURCE PROCUREMENT OF DIGITAL VIDEO RECORDING (DVR) SURVEILLANCE SYSTEMS FOR TRANSIT DIVISION BUSES FROM SAFETY VISIONS, INC., LITTLE ELM, TX, AND AUTHORIZING THE PURCHASING MANAGER TO ISSUE A PURCHASE AGREEMENT FOR A TOTAL ESTIMATED COST OF $138,524.

WHEREAS, City Transit buses currently have video surveillance systems to protect the safety of the passengers and drivers, and

WHEREAS, video is used to investigate incidences and as a protective measure against bad behavior and vandalism, and

WHEREAS, the 1998 buses have the original VCR units that were installed during manufacturing of the buses, and

WHEREAS, these units are a VCR-type recorder, an older technology that has proven to be susceptible to foreign containmates such as dust, and maintenance costs have increased as the recorders have aged, and

WHEREAS, new digital video recording (DVR) technology is now available and has dramatically improved the reliability of the video systems, and

WHEREAS, newer buses are equipped with this digital technology and have shown a marked decrease in breakdowns and lost or unusable data, and

WHEREAS, digital technology provides much higher quality data when an incident occurs that requires review of the video, and

WHEREAS, the purchase of these DVR surveillance systems as a sole source purchase will standardize the video systems in the Transit fleet by providing lower maintenance costs and better reliability, and
WHEREAS, it will also minimize the costs associated with purchasing peripheral equipment and software needed to maintain download, manage the recorded data, and training of staff to operate multiple types of systems, and

WHEREAS, funds are budgeted in Accounts 6510-165-1678C-5998 ($124,000) and 6510-165-1678C-5941 ($14,524) for the purchase of Digital Video Recording (DVR) surveillance systems,

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 Digital Video Recording (DVR) surveillance systems for the Transit Division buses from Safety Vision, Inc., Little Elm, TX.

BE IT FURTHER RESOLVED that the Purchasing Manager is hereby authorized to issue a purchasing agreement for a total estimated cost of $138,524.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of November, 2007, by Councilmember Dunbar, 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: Dunbar, Hawn, Keating, Marsh, O’Bryant, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]
JEAN MORRIS, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: [Signature]
SUSANA ALCALA WOOD, City Attorney
A RESOLUTION AUTHORIZING THE PURCHASING MANAGER TO ISSUE FORMAL REQUEST FOR BIDS (RFB) FOR THE FURNISHING OF WELL AND TANK SITE PAINTING SERVICES FOR THE PUBLIC WORKS DEPARTMENT – WATER DIVISION, FOR A TWO (2) YEAR AGREEMENT WITH THREE (3) ONE-YEAR EXTENSION OPTIONS AT THE SOLE DISCRETION OF THE CITY, FOR AN ESTIMATED ANNUAL COST OF $35,000.

WHEREAS, the City currently is operating 121 well sites and 10 storage tanks, and

WHEREAS, in an ongoing effort to maintain the integrity of these facilities it is necessary to paint them periodically, and

WHEREAS, the painting of 10-15 sites per year will insure all facilities and equipment are protected from the environment, and

WHEREAS, funds are budgeted in the Water Fund 6100-480-5013-0223 in the amount of $35,000 to fund the well and tank site painting services,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the Purchasing Manager to solicit formal request for bids for the furnishing of well and tank site painting services for the Public Works Department – Water Division, for a two (2) year agreement with three (3) one-year extension options at the sole discretion of the City, for an estimated annual cost of $35,000.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of November, 2007, by Councilmember Dunbar, 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: Dunbar, Hawn, Keating, Marsh, O'Bryant, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

JEAN MORRIS, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 

SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2007-656

A RESOLUTION APPROVING THE JOINT POWERS AGREEMENT BETWEEN THE CITY OF MODESTO AND STANISLAUS COUNTY FOR THE PLANNING AND CONSTRUCTION OF THE PROJECT TITLED “PELANDALE AVENUE AT SISK ROAD/STATE ROUTE 99 IMPROVEMENTS” AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, continued growth in northern Modesto and Stanislaus County have increased traffic volume at the Pelandale/Highway 99 interchange, and

WHEREAS, the increased traffic has reduced the level of service of the existing interchange including the adjacent intersections and ramps, and

WHEREAS, the interchange serves both City and County residents, and

WHEREAS, the interchange and connecting streets lie on the border between the City and the County with the majority located within the Caltrans right-of-way, and

WHEREAS, the City and County desire to reduce congestion and delays at the intersections by widening the highways and ramps, and

WHEREAS, the proposed project to be completed under this Joint Powers Agreement will consist of widening of portions of Pelandale Avenue, Sisk Road, northbound State Route 99 ramp, and modifying signals, signs and striping, and

WHEREAS, the project will be funded jointly from CEQA Mitigation Fees collected by the County and Capital Facilities Fees collected and administered by the City, and

WHEREAS, the City is actively working with STANCOG and Caltrans to plan the ultimate replacement of the interchange in the near future (10 years), and

WHEREAS, the City has or will take the lead in completing the design, approval, bidding, and inspection for the proposed improvements, and
WHEREAS, an agreement is needed between Stanislaus County and the City of Modesto for the planning and implementation of the proposed “Pelandale Avenue at Sisk to State Route 99 Improvements” project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Joint Powers Agreement between the City of Modesto and Stanislaus County for the planning and construction of the Project titled “Pelandale Avenue at Sisk to State Route 99 Improvements.”

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

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 7th day of November, 2007, by Councilmember Dunbar, 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: Dunbar, Hawn, Keating, Marsh, O’Bryant, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Morris
JEAN MORRIS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Susana Alcala Wood, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2007-657

A RESOLUTION APPROVING A RENEWAL AND FOUR-YEAR EXTENSION OF THE OCTOBER 2001, MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY AND THE STANISLAUS AND TUOLUMNE RIVERS’ GROUNDWATER BASIN ASSOCIATION FOR PURPOSES OF CONTINUED COORDINATION RELATED TO GROUNDWATER MANAGEMENT ACTIVITIES, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE A LETTER OF EXTENSION

WHEREAS, in 1992, the California Legislature passed Assembly Bill (AB) 3030, which was designed to provide local public agencies increased management authority over their groundwater resources, and

WHEREAS, in September 2002, new legislation (Senate Bill 1938) expanded AB 3030 to encourage local agencies to work cooperatively together in the management of groundwater resources, and

WHEREAS, the City overlies two groundwater basins, the Modesto Groundwater Sub-basin, overseen by the Stanislaus and Tuolumne Rivers’ Groundwater Basin Association (STRGBA), and the Turlock Groundwater Sub-basin, overseen by the Turlock Groundwater Basin Association, and

WHEREAS, on October 9, 2001, Council adopted Resolution No. 2001-515, which approved a Memorandum of Understanding (MOU) between the City and the STRGBA to coordinate groundwater management activities within the Modesto Groundwater Sub-basin, and

WHEREAS, City staff has actively participated in ongoing groundwater management efforts, and on June 29, 2005, Council adopted Resolution No. 2005-340, which approved an Integrated Regional Groundwater Management Plan (IRGMP) developed by the STRGBA, and
WHEREAS, with an objective of developing a safe and sustaining water supply, the IRGMP provides a framework for overseeing and coordinating groundwater management activities within the Modesto Groundwater sub-basin, and

WHEREAS, the IRGMP identifies various Basin Management Objectives to be studied and possibly be implemented, such as, improving supply reliability, identifying potential recharge areas, optimizing well field operations, and developing conjunctive use strategies to improve water quality, and

WHEREAS, one particular study currently being conducted by the United States Geologic Survey (USGS) is to develop a groundwater flow model of the sub-basin (supported by funding from the USGS and the STRGBA), and

WHEREAS, member agencies of the STRGBA have mutually agreed to recommend extending the terms of the MOU to their respective Council or Board for an additional four years, and

WHEREAS, the terms of the MOU with the STRGBA expired on December 31, 2006, and it is desirable that the MOU be renewed and extended by four years to December 31, 2010 as this action supports the City Council goal of a water system that has sufficient capacity for all current and future economic growth, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a renewal and four-year extension of the October 2001, Memorandum of Understanding between the City and the Stanislaus and Tuolumne Rivers’ Groundwater Basin Association for purposes of continued coordination related to groundwater management activities.
BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute a Letter of Extension.

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 7th day of November, 2007, by Councilmember Dunbar, 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: Dunbar, Hawn, Keating, Marsh, O’Bryant, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Morris, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Susana Acalal Aiu, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2007-658


WHEREAS, the City Council has received and considered the Written Checklist, Environmental Assessment No. EA/PW No. 2006-30, that concludes that the project entitled “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 that, pursuant to Sections 15168(c) and 15182 of the CEQA Guidelines, no new environmental review is required,

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

1. As per Sections 15168(c) and 15182 of the California Environmental Quality Act ("CEQA") Guidelines, this Project is within the scope of the projects covered by the Village One Program EIR, as amended by the 1994 Supplemental EIR and the 2003 Addendum to the EIR (“Program EIR”) and no new environmental document or findings are required by CEQA.

2. There are no substantial changes proposed in the Project which result in new significant environmental effects or a substantial
increase in the severity of previously identified significant effects and, therefore, no major revisions to the Program EIR are required.

3. No substantial changes have occurred with respect to the circumstances under which the Project is undertaken which will result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects and therefore, no major revisions to the Program EIR, are required.

4. There is no new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence when the Program EIR, was adopted which shows any of the following:

   a. one or more significant effects which is not discussed in the Program EIR; or,

   b. significant effects which were previously examined will be substantially more severe than previously shown; or,

   c. previously infeasible mitigation measures or alternatives are now feasible and would substantially reduce one or more significant effects of the project, but the Project proponents decline to adopt the mitigation measure or alternative; or,

   d. mitigation measures or alternatives which are considerably different from those analyzed in the Program EIR would substantially reduce one or more significant effects on the
environment, but the Project proponents decline to adopt the mitigation measure or alternative.

The City Council has received and considered the Written Checklist Environmental Assessment EA/PW No. 2006-30, which provides the substantial evidence to support findings 1-4 above.

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 7th day of November, 2007, by Councilmember Dunbar, 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: Dunbar, Hawn, Keating, Marsh, O’Bryant, Olsen,

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Ridenour

ATTEST: Jean Morris, City Clerk

APPROVED AS TO FORM:

By Susana Alcala Wood, City Attorney
A RESOLUTION INCREASING THE PUBLIC WORKS DIRECTOR’S AUTHORITY TO ISSUE CHANGE ORDERS ON THE PROJECT ENTITLED “KING-KENNEDY MEMORIAL CENTER KITCHEN AND AUDITORIUM RENOVATION” FROM 10 PERCENT ($59,800.80) TO 15 PERCENT ($89,701.20) OF THE ORIGINAL CONTRACT PRICE WITH JHK CONSTRUCTION

WHEREAS, on April 24, 2007, by Resolution No. 2007-242, the City Council awarded a $598,008.00 contract to JHK Construction to construct the “King-Kennedy Memorial Center Kitchen and Auditorium Renovation” project, and

WHEREAS, the contractor started work on June 4, 2007, and

WHEREAS, additional work not included in the original bid needed to be added to the project to allow completion of the requested renovations, and

WHEREAS, the cost of the extra work was estimated to be as high as $89,701.20, an amount which exceeded the Director’s authority for the project as established by the Council’s Change Order Approval Policy adopted by Resolution No. 94-443 on July 19, 1994, and

WHEREAS, the Director currently has authority to approve change orders up to a cumulative amount of $59,800.80,

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby increases the Public Works Director’s authority to issue change orders on the project entitled “King-Kennedy Memorial Center Kitchen and Auditorium Renovation” from 10 percent ($59,800.80) to 15 percent ($89,701.20) of the original contract price with JHK Construction.
The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 7th day of November, 2007, by Councilmember Dunbar, 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: Dunbar, Hawn, Keating, Marsh, O’Bryant, Olsen, Mayor Ridenour

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: None

ATTEST: Jean Morris, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Susana Alcala Wood, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2007-660

A RESOLUTION DIRECTING THE CITY CLERK TO SUBMIT TO THE VOTERS AT THE PRESIDENTIAL PRIMARY ELECTION A MEASURE SEEKING A VOTE ON THE QUESTION OF WHETHER THE CITY OF MODESTO SHOULD CHANGE ITS SYSTEM OF ELECTING CITY COUNCILMEMBERS TO A "BY DISTRICT" SYSTEM.

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

SECTION 1. Pursuant to Article 11 of Section 3 of the California Constitution and Section 9255(a)(2) of the California Elections Code, and California Government Code Section 34458, the Council of the City of Modesto proposes to and does hereby, on its own motion, submit to the qualified electors of the City of Modesto, at the Presidential Primary Election to be held on February 5, 2008, a measure seeking a vote on the question of whether the City of Modesto should change its system of electing City Councilmembers to a "By District" system.

SECTION 2. That a measure is to appear on the ballot as follows:

<table>
<thead>
<tr>
<th>Should Modesto change its system of electing City Councilmembers to a &quot;By District&quot; system as follows:</th>
<th>YES</th>
<th>NO</th>
</tr>
</thead>
<tbody>
<tr>
<td>Six Districts where candidates must live in the District they wish to represent and the voters who live in the District vote on who will represent that District?</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

SECTION 3. That the City Clerk is hereby directed to file a certified copy of this resolution with the Board of Supervisors and the County Election Department of the County of Stanislaus.
SECTION 4. That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of November, 2007, 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: Dunbar, Hawn, Keating, Marsh, O’Bryant, Olsen, Mayor Ridenour
NOES: Councilmembers: None
ABSENT: Councilmembers: None

Jean Morris
JEAN MORRIS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Susana Alcala Wood, City Attorney
MODESTO CITY COUNCIL  
RESOLUTION NO. 2007-661  

A RESOLUTION DIRECTING THE CITY CLERK TO TRANSMIT A COPY OF THE MEASURE SEEKING A VOTE ON THE QUESTION OF WHETHER THE CITY OF MODESTO SHOULD CHANGE ITS SYSTEM OF ELECTING CITY COUNCILMEMBERS TO A “BY DISTRICT” SYSTEM TO THE CITY ATTORNEY FOR THE PURPOSE OF PREPARING AN IMPARTIAL ANALYSIS OF SAID MEASURE.  

WHEREAS, the Modesto City Council has directed the City Clerk to submit to the voters at the Presidential Primary Election to be held on February 5, 2008, a measure seeking a vote on the question of whether the City of Modesto should change its system of electing City Councilmembers to a “By District” system.  

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Clerk of the City of Modesto is hereby directed pursuant to California Elections Code Section 9280 to transmit a copy of said measure to the City Attorney, who is hereby directed to prepare an impartial analysis of the measure showing the effect of the measure on existing law and the operation of the measure.  

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of November, 2007, 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: Dunbar, Hawn, Keating, Marsh, O’Bryant, Olsen, Mayor Ridenour  
NOES: Councilmembers: None  
ABSENT: Councilmembers: None 

JEAN MORRIS, City Clerk  

(SEAL)  

APPROVED AS TO FORM:  

By  
SUSANÃ ALCALA WOOD, City Attorney
A RESOLUTION AUTHORIZING THE MEMBERS OF THE CITY COUNCIL, OR ANY OF THEM, TO FILE WRITTEN ARGUMENTS IN FAVOR OF OR IN OPPOSITION TO THE MEASURE SEEKING A VOTE ON THE QUESTION OF WHETHER THE CITY OF MODESTO SHOULD CHANGE ITS SYSTEM OF ELECTING CITY COUNCILMEMBERS "BY DISTRICT" SYSTEM.

WHEREAS, the Modesto City Council has directed the City Clerk to submit to the voters at the Presidential Primary Election to be held on February 5, 2008, a measure seeking a vote on the question of whether the City of Modesto should change its system of electing City Councilmembers to a “By District” system.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that pursuant to California Elections Code Section 9282 the members of the City Council, or any of them, are hereby authorized to file written arguments in favor of or in opposition to said measure and to change such arguments until and including the date and time after which no arguments may be filed with the City Clerk.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of November, 2007, 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: Dunbar, Hawn, Keating, Marsh, O’Bryant, Olsen, Mayor Ridenour
NOES: Councilmembers: None
ABSENT: Councilmembers: None

(SEAL)
APPROVED AS TO FORM:

By ____________________________
SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2007-663

A RESOLUTION APPROVING THE EXPENDITURE OF THE CITY OF MODESTO'S 2007/2008 ALLOCATION IN THE AMOUNT OF $402,222 FROM THE STATE SUPPLEMENTAL LAW ENFORCEMENT SERVICES FUND (SLESF) FOR FRONTLINE MUNICIPAL POLICE SERVICES AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE NECESSARY PROGRAM DOCUMENTS

WHEREAS, in 1996, the State Legislature passed, and the Governor signed, Assembly Bill 3229, the Supplemental Law Enforcement Services Act, and

WHEREAS, the legislation has continued to be funded each subsequent year at $100 million, statewide, from sales and use taxes, for exclusive funding of frontline municipal police services, in accordance with written requests submitted by the Chief of Police of a city to his or her governing body, convened in public hearing, and

WHEREAS, the purpose of the law is to provide for additional resources to be applied at the local level for purpose of ensuring public safety, and

WHEREAS, the funding for each county and city is based upon proportionate population, and

WHEREAS, the allocation to the City of Modesto for fiscal year 2007/2008 is $402,222, and

WHEREAS, the program requires a public hearing to consider and determine each request submitted by local governmental Chiefs of Police or Sheriffs regarding spending plans, and

WHEREAS, these funds must be held in an interest-bearing Supplemental Law Enforcement Services Fund and must not be used to supplant existing budget funds, and

WHEREAS, the Modesto Police Department recommends using the SLESF monies to pay personnel and equipment costs for frontline police services for:
1. Pay the first annual loan repayment to the Fleet Fund for the 81 Mobile Digital Computers (MDCs) approved by City Council on December 5, 2006 by Resolution No. 2006-749 ($117,201), and

2. Utilize the remainder of the SLESF funds for overtime costs ($285,021) See Attachment A. This action will adjust the budget to appropriate these funds.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto, that after holding a public hearing, it hereby accepts the Chief of Police’s spending plan for the 2007/2008 State Supplemental Law Enforcement Services Fund allocation of $402,222 for frontline municipal police services.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of November, 2007, by Councilmember Marsh, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Morris, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Susana Alcala Wood, City Attorney
2007/08 State Law Enforcement Supplemental Funding Budget

07/08 Allocation - $402,222

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
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</thead>
<tbody>
<tr>
<td>Repayment of loan to Fleet fund for 81 Mobile Digital Computers (MDCs)</td>
<td>$ 108,519.75</td>
</tr>
<tr>
<td>Overtime</td>
<td>$ 293,702.25</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$ 402,222.00</td>
</tr>
</tbody>
</table>
MODESTO CITY COUNCIL
RESOLUTION NO. 2007-664

A RESOLUTION AMENDING THE 2007/2008 FISCAL YEAR OPERATING BUDGET TO APPROPRIATE REVENUES AND EXPENDITURES FOR THE CITY OF MODESTO'S ALLOCATION FROM THE STATE SUPPLEMENTAL LAW ENFORCEMENT SERVICES FUND (SLESF)

WHEREAS, in 1996, the State Legislature passed, and the Governor signed, Assembly Bill 3229, the Supplemental Law Enforcement Services Act, and

WHEREAS, the legislation has continued to be funded each subsequent year at $100 million, statewide, from sales and use taxes, for exclusive funding of frontline municipal police services, in accordance with written requests submitted by the Chief of Police of a city to his or her governing body, convened in public hearing, and

WHEREAS, the purpose of the law is to provide for additional resources to be applied at the local level for the purpose of ensuring public safety, and

WHEREAS, the funding for each county and city is based upon proportionate population, and

WHEREAS, the allocation to the City of Modesto for fiscal year 2007/2008 is $402,222, and

WHEREAS, the Modesto Police Department plans to budget these funds for frontline municipal police services, and

WHEREAS, the adopted 2007/2008 Police 07-08 SLESF allocation in the amount of $402,222 will be applied to account number 0400-190-2923-5008,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto, that it hereby amends the Fiscal Year 2007/2008 operating budget to appropriate
revenues and expenditures to 0400-190-2923-5008 for frontline municipal police services.

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 7th day of November, 2007, by Councilmember Marsh, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: Jean Morris, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Susana Alcala Wood, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2007-665

A RESOLUTION DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION OF CERTAIN PROPERTY INTERESTS AND DIRECTING THE FILING OF EMINENT DOMAIN PROCEEDINGS FOR THE FLOYD AVENUE WIDENING PROJECT BETWEEN ROSELLE AVENUE AND FINE AVENUE.

Wade Ramey and Nerie Ramey, Property Owners

Property Address: Real property and improvements to real property (in fee) and temporary construction easement located at 3725 Floyd Avenue, Modesto, CA

Assessor’s Parcel No.: 085-018-062 (portion)

WHEREAS, in accordance with the Circulation Transportation element of the City of Modesto Urban General Plan, Floyd Avenue between Roselle Avenue and Fine Avenue is designated as a minor arterial street. Floyd Avenue between Roselle Avenue and Fine Avenue currently is a two lane roadway and will be expanded to become a minor arterial consisting of four traffic lanes, and curb, gutter, sidewalks, median and landscaping.

WHEREAS, on October 3, 2006, by Resolution 2006-637, the City Council approved CIP Project Number X512 “Floyd Avenue between Roselle Avenue and Fine Avenue” as part of the City of Modesto’s CIP Program, and

WHEREAS, the Project, when completed will improve traffic circulation and reduce traffic congestion in northeast Modesto, and

WHEREAS, the City of Modesto is vested with the powers of eminent domain to acquire the property interests for the Project by virtue of Article 1, Section 19 of the Constitution of the State of California, Government Code Sections, 37350.5 and 40404, Sections 1240.010, 1240.050, 1240.110, 1240.120, 1240.140, 1240.150 and 1240.350 of the Code of Civil Procedure of the State of California, and Section 1810 of the Streets and Highway Code of the State of
California, and

WHEREAS, it is desirable and necessary for the City of Modesto to acquire certain real property interests on Assessor’s Parcel Number 085-018-062, including fee title together will all improvements situated thereon and together with all rights appurtenant thereto, as described in Exhibit “A” and depicted in Exhibit “B” and a temporary construction easement as described in Exhibit “A-1” and depicted in Exhibit “B-1”, which exhibits are attached hereto and made a part hereof by this reference and hereinafter referenced as the “Subject Project” in order to construct, widen, and/or improve Floyd Avenue between Roselle Avenue and Fine Avenue in the City of Modesto and the County of Stanislaus (“Project”) and

WHEREAS, pursuant to the provisions of Section 1245.235 of the Code of Civil Procedure of the State of California, notice has been duly given to all persons whose property is to be acquired by eminent domain and whose names and addresses appear on the last Stanislaus County equalized assessment roll all whom have been given a reasonable opportunity to appear and be heard before the City of Modesto on the following matters:

(a) Whether the public interest and necessity require the Project;

(b) Whether the Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury;

(c) Whether the property sought to be acquired is necessary for the Project;

(d) Whether the offer required by Government Code Section 7267.2 has been made to the owner(s) of record, and

WHEREAS, pursuant to the provisions of Section 7267.2 of the Government Code of the State of California, on or about May 23, 2007, the City of Modesto made a written
offer to Wade and Nerie Ramey to acquire the subject property for just compensation, and

WHEREAS, the City of Modesto has satisfied the provisions and complied with all requirements of the California Environmental Quality Action ("CEQA") for the Project, and

WHEREAS, the hearing was held on November 7, 2007, at 5:30 p.m. in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, CA at which time evidence both oral and documentary was received and considered,

NOW, THEREFORE, IT IS FOUND, DETERMINED, ORDERED AND RESOLVED as follows:

1. The public interest and necessity require the Project for the acquisition of the fee simple and the temporary construction easement in and through the above-identified parcel of land.

2. The Project is planned and located in the manner which will be most compatible with the greatest public good and the least private injury.

3. The taking of the fee simple title in and to the real property and other interests including improvements to real property as more particularly described in Exhibit A and depicted in Exhibit B is necessary for the Project.

4. The taking of the temporary construction easement in and to the real property as more particularly described in Exhibit A-1 and depicted in Exhibit B-1 is necessary for the Project.

5. The offer required by Section 7267.2 of the Government Code of the State of California has been made to the owner or owners of record of the real property.

6. All conditions and statutory requirements necessary to exercise the power of eminent domain to acquire the property interests described herein have been complied with by the City of Modesto.

7. The Office of the City Attorney of the City of Modesto or counsel retained by it, is hereby authorized, empowered and directed to acquire, in the name of City of Modesto, by condemnation, the Subject Property in accordance with the provisions of the Eminent Domain Law, the Code of Civil Procedure and the Constitution of California; to prepare, prosecute and conduct to conclusion in the name of the City of Modesto such
proceedings in the proper court as are necessary for such acquisition and
to take proceedings in the proper court as are necessary for such
acquisition and to take such action as may be deemed advisable or
necessary in connection therewith; and, to deposit the probable amount of
just compensation based on an appraisal.

8. The Office of the City Attorney of the City of Modesto or counsel retained
by it, is hereby authorized and empowered to deposit with the State
Treasury Condemnation Fund the probable amount of compensation,
based on appraisal, and apply to the Court for an order of prejudgment
possession of the subject property interest for said public uses and
purposes.

The foregoing resolution was introduced at a special meeting of the
Council of the City of Modesto held on the 7th day of November, 2007, by Councilmember
Marsh, who moved its adoption, which motion being duly seconded by Councilmember Dunbar,
was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Ridenour

ATTEST:  

JEAN MORRIS, City Clerk

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
Legal Description

EXHIBIT A

All that portion of Lot 3 as shown on the "Map of Adams Colony" filed for record on October 21, 1908 in Volume 4 of Maps at Page 5, Stanislaus County Records and as described in that Grand Deed filed for record on June 30, 1998 as Document Number 98-0058244, Stanislaus County Records situate in the east half of Section 13, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, City of Modesto, County of Stanislaus, State of California, being more particularly described as follows:

Commencing at the southeast corner of Lot B as shown on the map of "Legends Village Unit No. 1" filed for record May 20, 1998 in Book 38 of Maps at Page 7, Stanislaus County Records; thence along the southerly prolongation of the east line of said Lot B South 00°19'45" East 1.00 feet to the Point of Beginning; thence North 89°51'23" East 279.01 feet parallel with and 21.00 feet northerly of the north line of the 30.00 foot half width of Floyd Avenue; thence North 44°45'49" East 23.96 feet; thence North 00°19'45" West 3.11 feet parallel with and 5.00 feet westerly of the west line of the 20.00 foot half width of Fine Avenue; thence North 89°40'15" East 5.00 feet to the west line of said Fine Avenue; thence along said west line South 00°19'45" East 41.10 feet to the intersection of the north line of said Floyd Avenue; thence along said north line South 89°51'23" West 300.98 feet to the intersection of said southerly prolongation of the east line of Lot B; thence along said southerly prolongation North 00°19'45" West 21.00 feet to the Point of Beginning all as shown on the attached "Exhibit B" and made a part hereof, and containing 6,565 square feet, more or less.

END DESCRIPTION.
Legal Description

EXHIBIT A

A strip of land 5.00 feet in width being a portion of Lot 3 as shown on the “Map of Adams Colony” filed for record on October 21, 1908 in Volume 4 of Maps at Page 5, Stanislaus County Records and as described in that Grand Deed filed for record on June 30, 1998 as Document Number 98-0058244, Stanislaus County Records situate in the east half of Section 13, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, City of Modesto, County of Stanislaus, State of California, said strip being more particularly described as follows:

Beginning at the southeast corner of Lot B as shown on the map of “Legends Village Unit No. 1” filed for record May 20, 1998 in Book 38 of Maps at Page 7, Stanislaus County Records; thence along the southerly prolongation of the east line of said Lot B South 00°19’45” East 1.00 feet; thence North 89°51’23” East 279.01 feet parallel with and 21.00 feet northerly of the north line of the 30.00 foot half width of Floyd Avenue; thence North 44°45’49” East 23.96 feet; thence North 00°19’45” West 3.11 feet parallel with and 5.00 feet westerly of the west line of the 20.00 foot half width of Fine Avenue; thence North 89°40’15” East 5.00 feet to the west line of said Fine Avenue; thence along said west line North 00°19’45” West 5.00 feet; thence South 89°40’15” West 10.00 feet; thence South 00°19’45” West 6.04 feet; thence South 44°45’49” West 19.81 feet; thence South 89°51’23” West 276.95 feet parallel with and 26.00 feet northerly of the north line of said Floyd Avenue to the east line of said Lot B; thence along said east line South 00°19’45” East 4.00 feet to the Point of Beginning all as shown on the attached “Exhibit B” and made a part hereof, and containing 1,560 square feet, more or less.

END DESCRIPTION.

Dec. 20, 2006
13071leg_construction.doc

EXHIBIT A-1
MODESTO CITY COUNCIL  
RESOLUTION NO. 2007-666  

A RESOLUTION APPROVING THE 2008 CITY COUNCIL MEETING CALENDAR

BE IT HEREBY RESOLVED by the Council of the City of Modesto that 2008 City Council Meeting, attached hereto as "Exhibit A", is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of November 2007, by Councilmember Dunbar, who moved its adoption, which motion being duly seconded by Councilmember O'Bryant, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Ridenour

ATTEST:  
JEAN MORRIS, City Clerk

APPROVED AS TO FORM:

By  
SUSANA ALCALA WOOD, City Attorney
# City Council Calendar 2008

### January 2008

<table>
<thead>
<tr>
<th>Date</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>2(^{nd})</td>
<td>Council Meeting (special)*</td>
</tr>
<tr>
<td>8(^{th})</td>
<td>Council Meeting (regular)</td>
</tr>
<tr>
<td>15(^{th})</td>
<td>NO MEETING</td>
</tr>
<tr>
<td>22(^{nd})</td>
<td>Council Meeting (regular)</td>
</tr>
<tr>
<td>29(^{th})</td>
<td>NO MEETING – 5(^{th}) Tuesday</td>
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### February 2008

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<tr>
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<th>Event</th>
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<tbody>
<tr>
<td>5(^{th})</td>
<td>Council Meeting (regular)</td>
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<tr>
<td>12(^{th})</td>
<td>Council Meeting (regular)</td>
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<tr>
<td>19(^{th})</td>
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<tr>
<td>26(^{th})</td>
<td>Council Meeting (regular)</td>
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### March 2008

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<tr>
<td>4(^{th})</td>
<td>Council Meeting (regular)</td>
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<tr>
<td>11(^{th})</td>
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<tr>
<td>18(^{th})</td>
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<td>25(^{th})</td>
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### April 2008

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<td>22(^{nd})</td>
<td>Council Meeting (regular)</td>
</tr>
<tr>
<td>29(^{th})</td>
<td>NO MEETING – 5(^{th}) Tuesday</td>
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</table>

### May 2008

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<th>Event</th>
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<tbody>
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<td>Council Meeting (regular)</td>
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<tr>
<td>13(^{th})</td>
<td>Council Meeting (regular)</td>
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<td>NO MEETING</td>
</tr>
<tr>
<td>27(^{th})</td>
<td>Council Meeting (regular)</td>
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### June 2008

<table>
<thead>
<tr>
<th>Date</th>
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<tbody>
<tr>
<td>3(^{rd})</td>
<td>Council Meeting (regular)</td>
</tr>
<tr>
<td>10(^{th})</td>
<td>Council Meeting (regular)</td>
</tr>
<tr>
<td>17(^{th})</td>
<td>NO MEETING</td>
</tr>
<tr>
<td>24(^{th})</td>
<td>Council Meeting (regular)</td>
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### July 2008

<table>
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<tr>
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<th>Event</th>
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<tbody>
<tr>
<td>1(^{st})</td>
<td>Council Meeting (regular)</td>
</tr>
<tr>
<td>8(^{th})</td>
<td>Council Meeting (regular)</td>
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<tr>
<td>15(^{th})</td>
<td>NO MEETING</td>
</tr>
<tr>
<td>22(^{nd})</td>
<td>NO MEETING</td>
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<tr>
<td>29(^{th})</td>
<td>NO MEETING – 5(^{th}) Tuesday</td>
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### August 2008

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<tr>
<th>Date</th>
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<tbody>
<tr>
<td>6(^{th})</td>
<td>Council Meeting (special)***</td>
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<tr>
<td>12(^{th})</td>
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</tr>
<tr>
<td>19(^{th})</td>
<td>NO MEETING</td>
</tr>
<tr>
<td>26(^{th})</td>
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### September 2008

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<tr>
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<tbody>
<tr>
<td>2(^{nd})</td>
<td>Council Meeting (regular)</td>
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<tr>
<td>9(^{th})</td>
<td>Council Meeting (regular)</td>
</tr>
<tr>
<td>16(^{th})</td>
<td>NO MEETING</td>
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<tr>
<td>23(^{rd})</td>
<td>Council Meeting (regular)</td>
</tr>
<tr>
<td>30(^{th})</td>
<td>NO MEETING – 5(^{th}) Tuesday</td>
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### October 2008

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<tr>
<th>Date</th>
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<tbody>
<tr>
<td>7(^{th})</td>
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<tr>
<td>14(^{th})</td>
<td>Council Meeting (regular)</td>
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<tr>
<td>21(^{st})</td>
<td>NO MEETING</td>
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<tr>
<td>28(^{th})</td>
<td>Council Meeting (regular)</td>
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### November 2008

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<th>Date</th>
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<td>5(^{th})</td>
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<tr>
<td>12(^{th})</td>
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<tr>
<td>18(^{th})</td>
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<tr>
<td>25(^{th})</td>
<td>Council Meeting (regular)</td>
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### December 2008

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<th>Date</th>
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<tbody>
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<td>2(^{nd})</td>
<td>Council Meeting (regular)</td>
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<tr>
<td>9(^{th})</td>
<td>Council Meeting (regular)</td>
</tr>
<tr>
<td>16(^{th})</td>
<td>CANCELLED per MMC 2-1.01</td>
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<tr>
<td>23(^{rd})</td>
<td>CANCELLED per MMC 2-1.01</td>
</tr>
<tr>
<td>30(^{th})</td>
<td>CANCELLED per MMC 2-1.01</td>
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</tbody>
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*January 2\(^{nd}\) Wednesday Meeting due to holiday on January 1\(^{st}\)
**March 25\(^{th}\) due to Spring Break
***August 6\(^{th}\) Wednesday Meeting due to National Night Out on August 5\(^{th}\)
****November 5\(^{th}\) Wednesday Meeting due to Election Day on November 4\(^{th}\)
*****November 12\(^{th}\) Wednesday Meeting due to Veterans Day on November 11\(^{th}\)
MODESTO CITY COUNCIL
RESOLUTION NO. 2007-667

A RESOLUTION RESCINDING CITY COUNCIL RESOLUTION NO. 2007-530, APPROVING THE FILING OF AN APPLICATION TO THE STANISLAUS LOCAL AGENCY FORMATION COMMISSION TO ANNEX APPROXIMATELY 3.2 ACRES OF PROPERTY LOCATED NORTH OF KANSAS AVENUE AND EAST OF LONE PALM AVENUE TO THE CITY OF MODESTO AND SEWER DISTRICT NO. 1 AND TO DETACH SAID PROPERTY FROM THE WOODLAND FIRE PROTECTION DISTRICT (OWNER INITIATED – UNINHABITED)

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, on September 4, 2007, 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; and

WHEREAS, on September 4, 2007, the City Council adopted Resolution No. 2007-530 approving the filing of an application to the Stanislaus Local Agency Formation Commission to annex approximately 3.2 acres of property located north of Kansas Avenue and east of Lone Palm Avenue to the City of Modesto and Sewer District No. 1 and to detach said property from the Woodland Fire Protection District; and

WHEREAS, staff inadvertently attached incorrect Exhibits A and B to Resolution No. 2007-530; and

WHEREAS, staff is recommending the City Council rescind Resolution No. 2007-530 and adopt a new resolution approving the filing of an application to the Stanislaus Local Agency Formation Commission to annex approximately 3.55 acres of
property located north of Kansas Avenue and east of Lone Palm Avenue to the City of Modesto and Sewer District No. 1 and to detach said property from the Woodland Fire Protection District.

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

1. Resolution No. 2007-530 entitled, "A Resolution Approving the Filing of an Application to the Stanislaus Local Agency Formation Commission to Annex Approximately 3.2 Acres of Property Located North of Kansas Avenue and East of Lone Palm Avenue to the City of Modesto and Sewer District No. 1 and to Detach Said Property from the Woodland Fire Protection District (Owner Initiated – Uninhabited)" is hereby rescinded.

The foregoing resolution was introduced at the regular meeting of the City Council held on the 13th day of November, 2007, by Councilmember Dunbar, who moved its adoption, which motion was seconded by Councilmember O’Bryant, and carried by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Ridenour

ATTEST: Jean Morris

JEAN MORRIS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Susanna Alcala Wood, City Attorney
MODESTO CITY COUNCIL  
RESOLUTION NO. 2007-668  

A RESOLUTION APPROVING THE FILING OF AN APPLICATION TO THE STANISLAUS LOCAL AGENCY FORMATION COMMISSION TO ANNEX APPROXIMATELY 3.55 ACRES OF PROPERTY LOCATED NORTH OF KANSAS AVENUE AND EAST OF LONE PALM AVENUE TO THE CITY OF MODESTO AND SEWER DISTRICT NO. 1 AND TO DETACH SAID PROPERTY FROM THE WOODLAND FIRE PROTECTION DISTRICT (OWNER INITIATED – UNINHABITED)  

WHEREAS, 4701 Stoddard, LLC, (applicant) represents Greg and Christine Kyler, Jose Zamora, and Jack McCoy, the owners of approximately 3.55 acres of real property, located north of Kansas Avenue and east of Lone Palm 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. 2004-26, on September 22, 2004, 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 planned, orderly and efficient
development of the area, and provision of services, and

WHEREAS, pursuant to Government Code Section 56653, a plan for providing
services is set forth in Exhibit “C”, attached hereto and by this reference incorporated
herein, and
WHEREAS, an Initial Study (Environmental Assessment No. EA/C&ED 2006-68) 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 April 16, 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 September 4, 2007, 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 2006-68, 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.

12. The proposed annexation is within the scope of the Urban Area General Plan MEIR (SCH No. 1999082041) and has been adequately analyzed in the MEIR.

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 Industrial 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 City Council held on the 13th day of November, 2007, by Dunbar, who moved its adoption, which motion was seconded by O’Bryant, and carried by the following vote:

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

ATTEST: Jean Morris, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Susanna Alcala Wood, City Attorney
RESOLUTION AUTHORIZING THE CESSATION OF SPECIAL TAXES FOR APN 082-025-002 (FORMERLY A PORTION OF APN 082-025-009) FROM CITY OF MODESTO COMMUNITY FACILITIES DISTRICT NO. 1997-1 AND DIRECTING THE CITY CLERK TO RECORD A NOTICE OF CESSATION OF SPECIAL TAX

WHEREAS, on June 24, 1997, the City Council adopted Resolution No. 97-355, establishing the City's Community Facilities District No. 1997-1 (North Beyer Park) ("District #1") and authorizing the levy of special taxes within District #1 pursuant to Chapter 2.5 of Division 2 of Title 5 (commencing with Section 53311) of the California Government Code, commonly known as the "Mello-Roos Community Facilities Act of 1982" (the "Act"), which Resolution has been amended from time to time, and

WHEREAS, on August 5, 1997, the City Council adopted Ordinance No. 3047-C.S., levying the special taxes within District #1, which Ordinance has been amended from time to time, and

WHEREAS, following the formation of District #1, the City Council has ordered annexations to District #1; and

WHEREAS, certain parcels have been annexed to District #1, and

WHEREAS, on June 12, 2007, the City Council adopted Resolution No. 2007-356, establishing the City's Community Facilities District No. 2007-1 (North Beyer Park #2) ("District #2") and authorizing the levy of special taxes within District #2 pursuant to the Act, and

WHEREAS, on June 12, 2007, the City Council adopted Ordinance No. 3445-C.S., effective July 26, 2007, levying the special taxes within District #2; and
WHEREAS, pursuant to Government Code Section 53330.5, the City Council may determine that a special tax shall cease to be levied when it is no longer needed to pay the costs and incidental expenses of services or of the construction of facilities authorized by the Act, and

WHEREAS, the special taxes to be levied on parcels within District #2 incorporate and include the costs and incidental expenses of services and the construction of facilities that were previously authorized in the special taxes to be levied on parcels within District #1, and

WHEREAS, the proceedings contemplated, and it is in the public interest, that for APN 082-025-002 (formerly a portion of APN 082-005-009) (the “Parcel”) which was annexed to District #1 and subsequently annexed to District #2, the special tax obligation authorized to be levied pursuant to Resolution No. 97-355, as amended, and Ordinance No. 3047-C.S., as amended, would no longer be needed, and would be permanently satisfied and cease to be levied, upon annexation of the Parcel to District #2.

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

SECTION 1: The above recitals are true and correct.

SECTION 2: For the Parcel which was annexed to District #1 and which subsequently annexed to District #2, the special tax obligation authorized to be levied pursuant to Resolution No. 97-355, as amended, and Ordinance No. 3047-C.S., as amended, is no longer necessary to pay the costs and incidental expenses for services or for the construction of facilities authorized for District #1, and shall be permanently satisfied and cease to be levied, upon annexation of the Parcel to District #2.
SECTION 3: The City Clerk is hereby directed to record a Notice of Cessation of Special Tax for the special tax obligation authorized to be levied pursuant to Resolution No. 97-355, as amended, and Ordinance No. 3047-C.S., as amended, as the Parcel which was annexed to District #1 and subsequently annexed to District #2.

SECTION 4: The Notice of Cessation shall state that the obligation to pay the special tax authorized to be levied pursuant to City Council Resolution No. 97-355, as amended, and Ordinance No. 3047-C.S., as amended, has ceased and that the lien imposed by the Notice of Special Tax Lien recorded in the records of the County Recorder of Stanislaus County, State of California, is extinguished.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of November, 2007, by Councilmember Dunbar, who moved its adoption, which motion being duly seconded by Councilmember O’Bryant, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Ridenour

ATTEST: __________  
JEAN MORRIS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: __________  
SUSANA ALCALA WOOD, City Attorney

111307/CED/TRocha/item07  3  2007-669
NOTICE OF CESSATION OF SPECIAL TAX LIEN

City of Modesto Community Facilities District No. 1997-1 (North Beyer Park)
City of Modesto, County of Stanislaus, State of California
The boundaries of which are shown on the map entitled
“Annexation Map No. 2 of Community Facilities District No. 1997-1 (North Beyer Park), City of Modesto, County of Stanislaus, State of California”,
on file in Book 4 of the Book of Maps of
Assessment and Community Facilities Districts, at Page 63

Notice is hereby given that the obligation to pay the above-referenced Special Tax has ceased and that the lien imposed by the Amendment to Notice of Special Tax lien recorded on February 16, 2007, in the Office of the County Recorder of the County of Stanislaus, in the Official Records of the County, as Document #2007-0020665-00, is hereby extinguished for the parcel described below, and whose owner(s) of record is/are:

Mable, LLC, a California Limited Liability Company

Property description: 2141 Mable Avenue, Modesto, CA 95355

Assessor’s Parcel Number: 082-025-002 (Parcel 2; 55-PM-12) (Formerly APN: 082-005-009)

Date: _____________________, 2007

__________________________________________
JEAN MORRIS, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2007-670

A RESOLUTION AUTHORIZING THE AWARD OF BID AND CONTRACT FOR THE PURCHASE OF CISCO SMARTNET HARDWARE MAINTENANCE FOR THE INFORMATION TECHNOLOGY DEPARTMENT TO NEXUS IS, INC., VALENCIA, CA, FOR A TERM OF THREE (3) YEARS, AT AN ESTIMATED ANNUAL COST OF $42,659, AUTHORIZE THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE AN ANNUAL PAYMENT AGREEMENT AT 0% FINANCING WITH CISCO SYSTEMS, AND AUTHORIZE THE PURCHASING MANAGER TO ISSUE A PURCHASE AGREEMENT.

WHEREAS, in 2004, the City standardized all switching and routing network equipment on Cisco Systems, Inc. The City’s networking infrastructure is key to providing host connectivity to all data services including e-mail, telephone and telecom, video conferencing, 9-1-1 dispatch, Interactive Voice Response (IVR), Wireless Fidelity (Wi-Fi), the INET and internet access to all departments, and

WHEREAS, network uptime and optimization are critical components of the high operational standards the City’s I.T. Network Division takes seriously and are partially achieved through vendor support contracts. These contracts provide a triage of support that assist staff in maintaining a “five nines” level of operational service, and

WHEREAS, Cisco SMARTnet Service is a technical support service that provides City staff with direct, anytime access to Cisco engineers and an extensive range of technical resources. SMARTnet delivers rapid issue resolution, flexible device-by-device coverage, and premium service options to help maximize operational efficiency, and

WHEREAS, on May 22, 2007, the City Council approved Resolution No. 2007-292 authorizing the Purchasing Manager to issue formal Request for Bids (RFB) for the purchase of Cisco SMARTnet hardware maintenance for a term of three (3) years on behalf of the Information Technology Department, and
WHEREAS, on August 15, 2007, the Purchasing Division issued RFB No. 0708-03 for the purchase of Cisco SMARTnet hardware maintenance to six (6) prospective bidders, two (2) of which were local companies, posted the bid on the City’s web site and formally advertised as required by law, and

WHEREAS, on September 11, 2007, RFB’s were formally opened in the City Clerk’s office. Of the six (6) prospective bidders, three (3) companies chose to respond, and

WHEREAS, one company submitted a non-responsive and non-responsible bid and the bid submittal was rejected, and

WHEREAS, based on being deemed the lowest responsive and responsible bidder, City staff recommends the award of bid and contract for the purchase of Cisco SMARTnet hardware maintenance to Nexus IS, Inc., Valencia, CA, for a term of three (3) years, at an estimated annual cost of $42,659, 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 Cisco SMARTnet hardware maintenance for the Information Technology Department conforms to the Modesto Municipal Code,

WHEREAS, funds are budgeted and available in the following account for the purchase of Cisco SMARTnet hardware maintenance in FY 07/08, account number 7130-070-0743-0223,

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 Cisco SMARTnet hardware maintenance to Nexus IS, Inc., Valencia, CA.
BE IT FURTHER RESOLVED that the City Manager, or his designee, shall sign an annual payment agreement with Cisco Systems and the Purchasing Manager is hereby authorized to issue a purchase agreement for a term of three (3) years, at an estimated annual cost of $42,659.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of November, 2007, by Councilmember Dunbar, who moved its adoption, which motion being duly seconded by Councilmember O’Bryant, was upon roll call carried and the resolution adopted by the following vote:

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

APPROVED AS TO FORM:

By: Susana Alcala Wood, City Attorney

ATTEST: Jean Morris, City Clerk
MODESTO CITY COUNCIL  
RESOLUTION NO. 2007-671

A RESOLUTION APPROVING AN AGREEMENT FOR FIRE PROTECTION SERVICES BETWEEN THE WOODLAND AVENUE FIRE PREVENTION DISTRICT AND THE CITY OF MODESTO, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, for many years the Woodland Avenue Fire Protection District has protected several county islands within the City of Modesto, and

WHEREAS, in many of these islands the Modesto Fire Department responds in addition to the Woodland Avenue Fire Protection District through an adopted Automatic Aid Agreement, and

WHEREAS, several county islands are far closer to Modesto Fire Stations, and the Modesto Fire Department arrives first on scene, and often cancels Woodland Avenue Fire Prevention District’s resources, and

WHEREAS, the current agreement expires in August 2008, and it is critical to establish a new, long-term agreement prior to this date, and

WHEREAS, First response from multiple agencies is often unnecessary and increases the number of emergency vehicles traveling “code 3” (lights and sirens), and

WHEREAS, this Agreement would shift both primary emergency response and revenue to the Modesto Fire Department, and

WHEREAS, the Safety and Communities Committee approved this request at the November 5, 2007, meeting for recommendation to the full Council,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Agreement for fire protection services between the Woodland Fire Protection District and the City of Modesto.
BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of November, 2007, by Councilmember Dunbar, who moved its adoption, which motion being duly seconded by Councilmember O’Bryant was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Ridenour

ATTEST: Jean Morris
JEAN MORRIS, City Clerk

APPROVED AS TO FORM:

By: Susana Alcala Wood, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2007-672

A RESOLUTION APPROVING THE TIMELINE FOR CITIZEN PARTICIPATION CALENDAR OF EVENTS FOR FISCAL YEAR 2008-2009 HUD ANNUAL ACTION PLAN, AND CDBG AND ESG PUBLIC SERVICE GRANTS.

WHEREAS, the Department of Housing and Urban Development (HUD) regulations require that the City of Modesto have a Citizen Participation Plan that contains the City’s procedures for community participation in development of the Annual Action Plan for the use of Community Development Block Grant (CDBG), HOME Investments Partnership Grant (HOME), and Emergency Shelter Grant (ESG) funds, and

WHEREAS, on September 13, 2005, by Resolution No. 2005-470, the City Council adopted and amended its Citizen Participation Plan, and

WHEREAS, the Fiscal Year 2008-2009 Citizen Participation Calendar of Events contains the Annual Action Plan activities, public advertisement dates, and public service grant activities for CDBG and ESG funds, and

WHEREAS, the Citizens Housing and Community Development Committee (CH&CDC) met on October 26, 2007, and supported the recommended timeline for the Citizen Participation Calendar of Events for Fiscal Year 2008-2009 HUD Annual Action Plan, and CDBG and ESG Public Service Grants,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the timeline for Citizen Participation Calendar of Events for the Fiscal Year 2008-09 HUD Annual Action Plan, and CDBG and ESG Public Service Grants, a copy of which is attached hereto as Exhibit “A” and incorporated herein by reference.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of November, 2007, by Councilmember Dunbar, who moved its adoption, which motion being duly seconded by Councilmember O’Brien, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Keating, Marsh, O’Brien, Olsen

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Ridenour

Attest: Jean Morris
JEAN MORRIS, City Clerk

APPROVED AS TO FORM:

By: Susana Alcala Wood, City Attorney
<table>
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<tr>
<th>Date</th>
<th>Time</th>
<th>Activity</th>
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<tbody>
<tr>
<td>26 Oct 07</td>
<td>Noon</td>
<td>CH&amp;CDC meeting to consider draft Timeline for Annual Action Plan, Public Service Grants, and Citizen Participation Calendar of Events, Room 3001, Tenth Street Place</td>
</tr>
<tr>
<td>13 Nov 07</td>
<td>5:30 PM</td>
<td>City Council meeting to approve Timeline for Annual Action Plan, Public Service Grants, and Citizen Participation Calendar of Events, Council Chambers, Tenth Street Place</td>
</tr>
<tr>
<td>16 Jan 08</td>
<td></td>
<td>Application period for Public Service Grants (January 16, 2008 to February 15, 2008)</td>
</tr>
<tr>
<td>16 Jan 08 to 12 Feb 08</td>
<td></td>
<td>Staff Technical Assistance Workshops for Public Service Grants (two sessions will be provided during this time)</td>
</tr>
<tr>
<td>15 Feb 08</td>
<td>5:00 PM</td>
<td>Public Service Grant applications due</td>
</tr>
<tr>
<td>18 Feb 08 to 03 Mar 08</td>
<td></td>
<td>Analysis of Public Service Grant applications by staff and Review Committee</td>
</tr>
<tr>
<td>20 Feb 08</td>
<td></td>
<td>Ad placed in local Spanish language newspaper on community meetings to obtain input for Annual Action Plan</td>
</tr>
<tr>
<td>23 Feb 08</td>
<td></td>
<td>Ad placed in local English language newspaper on community meetings to obtain input for Annual Action Plan</td>
</tr>
</tbody>
</table>
| 03 Mar 08 to 28 Mar 08 |        | Community meetings to obtain input to the Annual Action Plan  
- Maddux Youth Center 6:00 PM  
- Modesto Senior Citizens Center 6:00 PM  
- King Kennedy Memorial Center 6:00 PM  
- McHenry Museum 10:00 AM (Service Providers)                                                  |
| by 21 Mar 08  |        | Public Service Grants Review Committee to review grant applications                                                                                                                                    |
| 28 Mar 08     | Noon   | CH&CDC meeting to consider Public Service Grant applications, Council Chambers, Tenth Street Place                                                                                                   |
| 29 Mar 08     |        | 30-day Public Notice placed in local English language newspaper announcing the availability of 2008-2009 Annual Action Plan for review and comments (04 Apr to 06 May)                                   |
| 02 Apr 08     |        | 30-day Public Notice placed in local Spanish language newspaper announcing the availability of 2008-2009 Annual Action Plan for review and comments (04 Apr to 06 May)                                   |
| 22 Apr 08     | 5:30 PM| City Council meeting to approve funding recommendations for Public Service Grants, Council Chambers, Tenth Street Place                                                                               |
| 25 Apr 08     | Noon   | CH&CDC meeting to consider Draft 2008-2009 Annual Action Plan, Room 3001, Tenth Street Place                                                                                                           |
| 06 May 08     | 5:30 PM| City Council meeting and Public Hearing to approve recommendations for the 2008-2009 Annual Action Plan, Council Chambers, Tenth Street Place                                                             |
| 16 May 08     |        | 2008-2009 Annual Action Plan due to HUD                                                                                                                                                                  |
MODESTO CITY COUNCIL
RESOLUTION NO. 2007-673

A RESOLUTION APPROVING A GRANT APPLICATION FOR $540,000 FROM THE SAFE ROUTES TO SCHOOL GRANT PROGRAM FOR FUNDING FOR THE CONSTRUCTION AND INSTALLATION OF 2,850 LINEAL FEET OF CURB, GUTTER, CURB RAMPS, SIDEWALK AND FENCING BETWEEN CALIFORNIA AVENUE AND MAZE BOULEVARD, ALONG THE MODESTO IRRIGATION DISTRICT’S LATERAL 4, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE APPROPRIATE DOCUMENTS

WHEREAS, The Safe Routes to School Grant Program (“Program”) came into effect in 1999 with the passage of Assembly Bill 1475 (AB1475), and

WHEREAS, Section 2333.5 of the Streets and Highways Code calls for the Department of Transportation, in consultation with the California Highway Patrol (CHP), to make grants available to local governmental agencies under the Program, based upon the results of a statewide competition, and

WHEREAS, the goals of the Program are to reduce injuries and fatalities to school children and to encourage increased walking and bicycling among students, and

WHEREAS, the City of Modesto has an unpaved route from Maze Boulevard to California Avenue that is used by students going to and from Franklin Elementary School and Mark Twain Junior High School, and

WHEREAS, staff and community members believe that improvement to this path with 2,850 lineal feet of curb, gutter, curb ramps, sidewalk and fencing is an excellent match for the Safe Routes to School Grant Program, and

WHEREAS, the State of California has called for project proposals to be sent to the California Transportation Department by November 16, 2007,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

1. The filing of a grant application for $540,000 from the State Safe Routes to School Grant Program is hereby approved.

2. The City Manager, or his designee, is hereby authorized as agent of the applicant 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 13th day of November 2007, by Councilmember Dunbar, who moved its adoption, which motion being duly seconded by Councilmember O’Bryant was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Ridenour

Attest: Jean Morris, City Clerk

APPROVED AS TO FORM:

By: Susana Alcala Wood, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2007-674

A RESOLUTION APPROVING A SIXTY (60) DAY EXTENSION TO A 6-MONTH PROVISIONAL APPOINTMENT FOR NATHAN GORTH AS COMPOST FACILITY SUPERVISOR

WHEREAS, the Parks, Recreation and Neighborhoods Department has a vacant Compost Facility Supervisor position, and

WHEREAS, Nathan Gorth was provisionally appointed as Compost Facility Supervisor on May 29, 2007, and

WHEREAS, the Parks, Recreation and Neighborhoods Department desires to extend the provisional appointment of Nathan Gorth to this position until a successful candidate can be hired in the capacity of Compost Facility Supervisor, and

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

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that a sixty (60) day extension to the six-month provisional appointment of Nathan Gorth to the position of Compost Facility Supervisor is hereby approved.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of November 2007, by Councilmember Dunbar, who moved its adoption, which motion being duly seconded by Councilmember O'Bryant was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Ridenour

Attest: Jean Morris, City Clerk

APPROVED AS TO FORM:

By: Susana Alcala Wood, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2007-675

A RESOLUTION APPROVING THE PROCEDURE AND COST RECOVERY SCHEDULE FOR BOARD UP AND MAINTENANCE OF ABANDONED AND UNSECURED RESIDENTIAL PROPERTIES

WHEREAS, a report issued in May 2007 from ForeclosureDatabank.com, an extensive foreclosure listings database, confirms that foreclosure activity across the United States, as measured by total numbers of filings, continues the steep trend upward, and

WHEREAS, due to the increasing numbers of foreclosed properties that appear to be abandoned, the City of Modesto has started to track abandoned properties, mainly residential in nature, and

WHEREAS, on September 7, 2007, Neighborhood Preservation Unit (NPU) staff identified and confirmed 185 abandoned residential properties in Modesto, and

WHEREAS, while the majority of these abandoned residential properties are currently secured, the condition of the landscaping and buildings of over 90% of inventoried properties is in a state of deterioration, and

WHEREAS, at least 33 or 18% of the identified abandoned residential properties currently are unsecured, and

WHEREAS, Neighborhood Preservation Unit staff is proposing to assess fees to property owners of abandoned and unsecured properties that have previously been adopted by the City Council, and

WHEREAS, Section 4-12.404 of the Modesto Municipal Code authorizes the imposition and collection of reinspection fees, and

WHEREAS, Sections 9-8.05.01 and 9-8.07.01 of the Modesto Municipal Code authorizes the City Council, by resolution, to establish fees associated with a dangerous building, and
WHEREAS, on April 12, 2007, by Resolution No. 2007-163, the City established the Substandard and Dangerous Building Code Fees, and

WHEREAS, City staff proposes a procedure and cost recovery schedule for the initial board up and maintenance of abandoned and unsecured residential buildings, and

WHEREAS, the Economic Development Committee met on October 8, 2007, and supported staff's recommendation to appropriate $50,000 from the General Fund Reserve, to Neighborhood Preservation, Abandoned Home Expenses, for initial funding to implement the procedure and costs for board up and maintenance of abandoned and unsecured residential properties, and

WHEREAS, the Finance Committee met on October 22, 2007, and supported staff’s recommendation to appropriate $50,000 from the General Fund Reserve, to Neighborhood Preservation, Abandoned Home Expenses, for initial funding to implement the procedure and costs for board up and maintenance of abandoned and unsecured residential properties,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves the procedure and cost recovery schedule for board up and maintenance of abandoned and unsecured residential properties as follows:

1. A case will be set up when NPU staff receives a call regarding an abandoned and unsecured residential property, or NPU staff identifies the property while out in the field.

2. NPU staff will make contact with the legal owner of the property. In many cases, this is an arduous task depending on the chain of title, and the status of the foreclosure action. Many times, a property can change ownership several times during real estate transactions and it is often difficult to ascertain the true owner of the property. Additionally, many mortgage businesses are going bankrupt, so tracking of owner of loans from these agencies adds to the complexity of this matter. The process of locating the responsible owner/trustee or beneficiary may take more than two weeks.

3. Once the property owner is identified, a Notice and Order to “Board and Abate” will be sent to the property owner. The property owner will be given 15 days to secure the property and remove all garbage, debris, and weeds, etc. on site. The property owner must secure the residential building according to the specifications provided to the property owner.
4. If the property is secured and free of garbage, debris, and weeds, etc., the case will be placed on a pending list. Since the status of an abandoned property can change rapidly, the property will be inspected on a monthly basis to track the condition of the property. The property owner will be assessed a code enforcement inspection fee based on fees previously adopted by the City Council.

5. If the property is not secured and free of garbage, debris, and weeds, etc., NPU staff will contact a certified and insured contractor to board up the building and clean the property. A lien on the property for the initial cost of board up and cleaning will be placed on the property. The property will be inspected monthly at the adopted inspection fee. If the condition of the property does not meet minimum standards, and the property owner is unresponsive, NPU staff will arranged for cleaning, and the established cleaning charges will be assessed against the property, and

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of November 2007, by Councilmember Dunbar, who moved its adoption, which motion being duly seconded by Councilmember O’Bryant was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Ridenour

Attest: ________
JEAN MORRIS, City Clerk

APPROVED AS TO FORM:

By: ______
SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2007-676

A RESOLUTION AMENDING THE FISCAL YEAR 2007-08 OPERATING BUDGET TO APPROPRIATE $50,000 FROM 0100-800-8000-8003, THE GENERAL FUND RESERVE, TO 0100-370-3770-0515, NEIGHBORHOOD PRESERVATION, ABANDONED HOME EXPENSES, FOR INITIAL FUNDING TO IMPLEMENT THE PROCEDURE AND COSTS FOR BOARD UP AND MAINTENANCE OF ABANDONED AND UNSECURED RESIDENTIAL PROPERTIES

WHEREAS, a report issued in May 2007 from ForeclosureDatabank.com, an extensive foreclosure listings database, confirms that foreclosure activity across the United States, as measured by total numbers of filings, continues the steep trend upward, and

WHEREAS, due to the increasing numbers of foreclosed properties that appear to be abandoned, the City of Modesto has started to track abandoned properties, mainly residential in nature, and

WHEREAS, on September 7, 2007, Neighborhood Preservation Unit (NPU) staff identified and confirmed 185 abandoned residential properties in Modesto, and

WHEREAS, while the majority of these abandoned residential properties are currently secured, the condition of the landscaping and buildings of over 90% of inventoried properties is in a state of deterioration, and

WHEREAS, at least 33 or 18% of the identified abandoned residential properties currently are unsecured, and

WHEREAS, Neighborhood Preservation Unit staff is proposing to assess fees to property owners of abandoned and unsecured properties that have previously been adopted by the City Council, and

WHEREAS, Section 4-12.404 of the Modesto Municipal Code authorizes the imposition and collection of reinspection fees, and
WHEREAS, Sections 9-8.05.01 and 9-8.07.01 of the Modesto Municipal Code authorizes the City Council, by resolution, to establish fees associated with a dangerous building, and

WHEREAS, on April 12, 2007, by Resolution 2007-163, the City established the Substandard and Dangerous Building Code Fees, and

WHEREAS, the amount of funds required to secure and clean the current unsecured properties is estimated at $43,400, and

WHEREAS, the current budget allocated to the NPU includes only $8,000 for board up services, and

WHEREAS, staff is requesting an additional $50,000 to initially fund the proposed board up and cleaning program, and

WHEREAS, the costs will eventually be recovered by the City of Modesto from fees; however, the time required to collect the fees will vary depending on the length of time necessary to sell the assessed property, and

WHEREAS, the Economic Development Committee met on October 8, 2007, and supported staff’s recommendation to appropriate $50,000 from the General Fund Reserve, to Neighborhood Preservation, Abandoned Home Expenses, for initial funding to implement the procedure and costs for board up and maintenance of abandoned and unsecured residential properties, and

WHEREAS, the Finance Committee met on October 22, 2007, and supported staff’s recommendation to appropriate $50,000 from the General Fund Reserve, to Neighborhood Preservation, Abandoned Home Expenses, for initial funding to implement the procedure and costs for board up and maintenance of abandoned and unsecured residential properties,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approved amending the Fiscal Year 2007-08 operating budget to appropriate
$50,000 from 0100-800-8000-8003, the General Fund Reserve, to 0100-370-3770-0515, Neighborhood Preservation, Abandoned Home Expenses, for initial funding to implement the procedure and costs for board up and maintenance of abandoned and unsecured residential properties.

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 13th day of November 2007, by Councilmember Dunbar, who moved its adoption, which motion being duly seconded by Councilmember O’Bryant was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Ridenour

Attest: Jean Morris, City Clerk

APPROVED AS TO FORM:

By: Susana Alcala Wood, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2007-677

A RESOLUTION APPROVING AN AGREEMENT FOR CONSULTANT SERVICES WITH GREENSPAN ADJUSTERS INTERNATIONAL FOR ADVICE AND ASSISTANCE IN THE MEASUREMENT AND DOCUMENTATION OF THE CITY’S LOSS AND DAMAGE RESULTING FROM A FIRE ON OCTOBER 14, 2007, AT THE CITY-OWNED PROPERTY LOCATED AT 800 E. MORRIS AVENUE IN MODESTO, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE TO EXECUTE THE AGREEMENT.

WHEREAS, early Sunday morning, October 14, 2007, a fire destroyed the building known as the old John Muir School (Modesto Community Service Center) in T. B. Scott Park and many of its contents, primarily historical artifacts stored on the second floor, and

WHEREAS, artifacts stored in one room on the first floor were salvaged, and Belfor Property Restoration is in the process of stabilizing items in preparation for review, and

WHEREAS, staff worked diligently to address the emergency presented by the unstable structure, and

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

WHEREAS, staff has acquired a partial permit from the Air Quality Board stating that the walls can be knocked down and the brick may be recycled, and

WHEREAS, 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 brick recycling contractor has contacted Modesto Sand and Gravel stating that they would like to recycle the brick, and
WHEREAS, staff will be saving twenty pallets of bricks (10,000 bricks) to use in future fundraising efforts, and

WHEREAS, before any demolition can occur, the process of evaluating the building must be accomplished, and

WHEREAS, this evaluation process began shortly after the fire was extinguished by contractors of the City’s insurance company (Lexington), and

WHEREAS, as late the week of October 29, 2007, site visits by the engineering firm continued to be performed, and

WHEREAS, during this same period an independent claims adjusting firm (Greenspan International) offered a proposal to the City whereby they would act as the City’s claim adjuster, performing a cost evaluation for the building and its contents, and

WHEREAS, this firm has an impressive reputation among public entities including the City of Turlock, and Modesto City Schools, and

WHEREAS, per the terms of the Agreement, Greenspan would receive 1% for the first $4 million paid, and 3% of all monies paid between $4 and $6 million, and 6% of all monies paid between $6 and $10 million and 7% of all monies paid over $10 million, and

WHEREAS, once the claim amount and payment have been determined, staff will prepare the appropriate budget adjustment documents,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves an Agreement for Consultant Services with Greenspan Adjusters International for advice and assistance in the measurement and documentation of the City’s loss and damage resulting from a fire on October 14, 2007, at the City-owned property located at 800 E. Morris Avenue in Modesto, California.
BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of November 2007, by Councilmember O’Bryant, who moved its adoption, which motion being duly seconded by Councilmember Dunbar was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Ridenour

Attest: Jean Morris

JEAN MORRIS, City Clerk

APPROVED AS TO FORM:

By: Susana Alcala Wood, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2007-678

A RESOLUTION REVISING THE POSITION CLASSIFICATION PLAN FOR THE CITY OF MODESTO

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

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

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

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

SECTION I. CLASSIFICATION CREATED. The Position Classification Plan of the City of Modesto is hereby amended to create the following classification:

Rate and Fee Analyst

The job specification for this classification is being created to assist in the development of the various utility rate, utility capital facility fee and non-utility fee studies. The job specification for the classification of Rate & Fee Analyst, as shown on the attached Exhibit “A,” which is hereby made a part of this resolution by reference, is hereby approved and made part of the Position Classification Plan of the City of Modesto.

SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after November 13, 2007.
The foregoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 13th day of November, 2007, by Councilmember Dunbar, who moved its adoption, which motion being duly seconded by Councilmember O'Bryant, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Ridenour

ATTEST: Jean Morris

JEAN MORRIS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Susana A. Alcala Wood, City Attorney
CLASS SPECIFICATIONS

DEFINITION

To research and present recommendations on rate and fee structures (primarily utility fees), services, policies and economic issues related to the management of a municipal utility and to fulfill other special assignments as delegated.

SUPERVISION RECEIVED AND EXERCISED

Receives general supervision from the Finance Director or the Director’s designee.

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

Essential Functions:

Collect and research data and prepare reports related to utility rates and services.

Review financial data to identify potential errors and omissions, which could affect the revenue generation of a utility operation or other program.

Analyze financial data to identify trends in revenue and expenditures related to utility programs or other fee-based programs.

Answer questions and provide information to the public, outside agencies and city staff related to the analyses performed on financial data of utility or other fee-based programs.

Work with consultants to assist in the preparation of complex fee studies and monitor consultant performance.

Develop Request for Proposal documents and lead the evaluation of responses; recommend the preferred vendor with a defensible justification.

Working independently, prepare less complex rate studies for various fee-based programs.
Essential Functions: (Continued)

Prepare special studies or reports as requested.

Prepare written and oral presentations, including statistical information in a clear, concise manner; identify and defend one or more recommendations in front of management, Council members and members of the public.

Establish rate and fee program implementation guidelines and monitor progress of the implementation to ensure success.

Successfully implement noticing requirements for proposed land-based in accordance with applicable regulatory guidelines, especially Proposition 218.

Develop information, including various statistics, to support the issuance of debt supported by utility or other revenue sources.

Attend City Council, Commission, task force and other governmental meetings.

Draft complex documents such as Council Resolutions and Ordinances; prepare and present agenda items to the City Council.

Serve on various committees and task forces as necessary.

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

Marginal Functions:

Perform other duties as assigned.

QUALIFICATIONS

Knowledge of:

Principles and practices of municipal utility operations and rate setting guidelines, including Proposition 218.

Municipal debt issuance disclosure standards.

Statistical analysis methods and modes of graphic presentation.

Modern office procedures, methods and computer equipment.
Knowledge of: (Continued)

Principles of governmental financial reporting.

Generally accepted writing practices in a professional and technical environment.

Generally accepted principles and practices for setting fees related to fee-based programs.

Ability to:

Analyze financial data, develop conclusions based on the analysis and recommend one or more needed actions to prevent or solve problems.

Establish effective financial monitoring practices and tools to track financial trends in utility and other fee-based programs.

Identify cost/benefit relationships; establish nexus between functions.

Work with and control sensitive and confidential information.

Accurately estimate and project revenues and expenditures.

Plan, initiate and complete work assignments with a minimum of direction.

Use and operate a personal computer with a variety of business software programs; be able to utilize Excel at an advanced user level and Access at an intermediate user level.

Communicate clearly, concisely and confidently, both orally and in writing.

Promote positive and effective working relationships with those contacted in the course of work, including the public and governing body members.

EXPERIENCE AND TRAINING GUIDELINES

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

Three years of progressively responsible professional financial experience in a public sector agency including responsibility for setting rates and fees, or a closely related function.

Training:

Equivalent to a Bachelor’s degree from an accredited college or university with major coursework in public administration, business administration, accounting, finance, economics, statistics or a closely related field.

WORKING CONDITIONS

Environmental Conditions:

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

Physical and Mental Requirements:

Mobility: frequent use of keyboard; frequent sitting for long periods of time; occasional bending or squatting. Lifting: frequently up to 10 pounds; occasionally up to 25 pounds. Vision: constant use of overall vision; frequent reading and close-up work; occasional color and depth vision. Dexterity: frequent repetitive motion; frequent writing; frequent grasping, holding, and reaching. Hearing/Talking: frequent hearing and talking, in person and on the phone. Emotional/Psychological: frequent decision-making and concentration; frequent public and/or coworker contact; occasional working alone. Environmental: frequent exposure to noise.
MODESTO CITY COUNCIL
RESOLUTION NO. 2007-679

A RESOLUTION AMENDING EXHIBIT “A” OF RESOLUTION NO. 2007-447 AMENDING THE CLASS RANGE TABLE FOR REPRESENTED MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES ESTABLISHING THE CLASSIFICATION OF RATE AND FEE ANALYST AT SALARY RANGE 435

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

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

SECTION 1. AMENDMENT TO RESOLUTION NO. 2007-447 Exhibit "A" entitled, "City of Modesto Class Range Table Represented Management and Confidential Non-Sworn Classes Effective July 24, 2007", attached to Resolution No. 2007-447, is hereby amended as shown on the amended Exhibit “A” entitled “City of Modesto Class Range Table Represented Management and Confidential Non-Sworn Classes Effective November 13, 2007, ” which is attached hereto and made a part hereof as though set forth in full herein. Said amended Exhibit “A” adds the classification of Rate and Fee Analyst at Salary Range 435 to the Class Range Table.

SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after November 13, 2007.
The foregoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 13th day of November, 2007, by Councilmember Dunbar, who moved its adoption, which motion being duly seconded by Councilmember O'Bryant, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: Jean Morris

(SIGNATURE)

APPROVED AS TO FORM:

By

SUSANA ALCALA WOOD, City Attorney
CITY OF MODESTO
CLASS RANGE TABLE
REPRESENTED MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES
Effective November 13, 2007

<table>
<thead>
<tr>
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<th>TITLE</th>
</tr>
</thead>
<tbody>
<tr>
<td>403</td>
<td></td>
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</table>
| 407   | Administrative Clerk II (Confidential)  
        Administrative Office Assistant II (Confidential) |
| 408   |       |
| 409   |       |
| 410   |       |
| 411   | Administrative Office Assistant III (Confidential)  
        Police Clerk II (Confidential) |
| 412   |       |
| 413   | Administrative Technician (Confidential) |
| 414   |       |
| 415   | Senior Administrative Office Assistant (Confidential)  
        Secretary |
| 416   |       |
| 417   |       |
| 418   | Legal Secretary  
        Systems Technician I |
| 419   | Public Information Technician (Confidential)  
        Workers' Compensation Claims Assistant |
| 420   | Accountant I (Confidential)  
        Deputy City Clerk  
        Employee Benefits Coordinator  
        Executive Secretary (Represented)  
        Legal Services Technician |
<p>| 421   |       |</p>
<table>
<thead>
<tr>
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<th>TITLE</th>
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| 422   | Office Supervisor  
       Utility Dispatch Supervisor  
       Workers' Compensation Claims Examiner I  
       Systems Technician II |
| 423   | Custodian Supervisor  
       Parking Services Supervisor |
| 424   | Assistant Planner  
       Buyer  
       Police Facilities Coordinator |
| 425   | Administrative Analyst I |
| 426   | Police Civilian Supervisor  
       Stores Manager  
       Supervising Animal Control Officer  
       Systems Technician III |
| 427   | Assistant City Clerk/Auditor  
       Workers' Compensation Claims Examiner II |
| 428   | Accountant II (Represented)  
       Senior Buyer |
| 429   | |
| 430   | Associate Planner  
       Community Services Supervisor  
       Events Coordinator  
       Senior Crime Analyst  
       Software Analyst I |
| 431   | Administrative Analyst II  
       Assistant Risk Manager  
       Budget Analyst I  
       Personnel Analyst  
       Recycling Program Coordinator |
<table>
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<tr>
<th>RANGE</th>
<th>TITLE</th>
</tr>
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</table>
| 432   | Communications Specialist  
Compost Facility Supervisor  
Customer Services Supervisor  
Junior Civil Engineer  
Junior Traffic Engineer  
Neighborhood Preservation Supervisor  
Operations and Maintenance Supervisor  
Recreation Supervisor II  
Senior Accountant  
Water Quality Control Maintenance Supervisor |
| 433   | Organizational Development Specialist |
| 434   | Budget Analyst II  
Environmental Laboratory Supervisor  
Operations Supervisor  
Regulatory Compliance Supervisor  
SCADA Supervisor  
Senior Community Development Program Specialist  
Senior Housing Rehabilitation Specialist  
Software Analyst II  
Supervising Accountant  
Systems Engineer I |
| 435   | Business Analyst  
Cultural Services Manager  
Emergency Medical Services Coordinator  
Integrated Waste Specialist  
Management Analyst  
**Rate and Fee Analyst**  
Senior Personnel Analyst  
Weed and Seed Program Coordinator |
| 436   | Assistant Civil Engineer  
Assistant Traffic Engineer  
Electrical Supervisor  
Senior Planner |
<p>| 437   |</p>
<table>
<thead>
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Housing Program Supervisor  
Land Surveyor  
Property Agent  
Public Safety Business Services Analyst  
Senior Business Analyst  
Software Analyst III  
Systems Engineer II |
| 439   | Administrative Services Officer  
Community Facilities Districts Administrative Officer |
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Water Quality Control Operations Supervisor |
| 441   | Airport Manager  
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Streets Superintendent  
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Wastewater Collections Superintendent |
| 442   | Customer Services Division Manager  
Manager of Budget and Financial Analysis  
Software Analyst IV  
Supervising Construction Inspector  
Systems Engineer III |
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Associate Traffic Engineer |
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       | Solid Waste Program Manager  
       | Supervising Building Inspector  
       | Transit Manager |
| 445   | Accounting Division Manager |
| 446   | Deputy Chief Building Official  
       | Information Technology Unit Manager  
       | Wastewater Treatment Plant Manager |
| 447   | Business Development Division Manager  
       | Planning Division Manager  
       | Water Superintendent |
| 448   | |
| 449   | |
| 450   | Chief Building Official  
       | Senior Civil Engineer  
       | Traffic Engineer |
| 451   | |
| 452   | |
| 453   | |
| 455   | |
MODESTO CITY COUNCIL
RESOLUTION NO. 2007-680

A RESOLUTION REVISING THE POSITION CLASSIFICATION PLAN FOR THE CITY OF MODESTO

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

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

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

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

SECTION 1. CLASSIFICATION AMENDED. The Position Classification Plan of the City of Modesto is hereby amended to revise the job specification for Project Coordinator and re-title to Parks Project Coordinator at salary range 432. The job specification for the classification of Parks Project Coordinator, as shown on the attached Exhibit "A," which is hereby made a part of this resolution by reference, is hereby approved and made part of the Position Classification Plan of the City of Modesto.

SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after November 13, 2007.
The foregoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 13th day of November, 2007, by Councilmember Dunbar, who moved its adoption, which motion being duly seconded by Councilmember O'Bryant, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Ridenour

ATTEST: Jean Morris

JEAN MORRIS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By

SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2007-680

A RESOLUTION REVISING THE POSITION CLASSIFICATION PLAN
FOR THE CITY OF MODESTO

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by Modesto City Council Resolution No. 88-338 pursuant to Rule 2 of the Personnel
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as follows:

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NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Ridenour

ATTEST: Jean Morris

JEAN MORRIS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Susana Alcala Wood, City Attorney
PARKS PROJECT COORDINATOR

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

DEFINITION

To assist the Parks Planning and Development Manager in the management of Capital improvement Projects and park and trail rehabilitation projects, planning and design of park and trail facilities, and in the facilitation of public input into the design process. To manage Parks Projects including Capital Improvement Projects (CIP), Park Partners Program and compliance with environmental regulations and City development standards.

SUPERVISION RECEIVED AND EXERCISED

Receives administrative direction from the Parks Planning and Development Manager.

May exercise project-specific-direct-functional supervision over technical and clerical staff in assigned area.

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

**Essential Functions:**

- Prepare landscape and irrigation plans and specifications for minor renovation projects; park improvement projects and trail projects; inspect park landscaping and trail projects.

- Assist in the review of construction documents for various Capital Improvement Projects.

- Assist in the planning and design of park and trail improvements in accordance with capital improvement program and national standards and guidelines.

- Assist in the administration of contracts with consultants and contractors, to ensure terms and conditions of the contract are met, including the inspection of work in progress, evaluating the quality of work and materials used, analyzing change order requests, approving progress payments and ensuring the satisfactory completion of work.

Exhibit "A"
Essential Functions: (Continued)

Identify and assist with the acquisition of property suitable for park development.

Review Environmental Impact Reports and other reports pertaining to park development.

Plan and facilitate neighborhood and community meetings related to park planning, development and improvement.

Coordinate the activities of the City’s Park Partners Program, including contacting local groups to secure interest, assisting groups in identifying appropriate projects, assisting with fundraising efforts, serving as project coordinator, facilitating meetings and project decisions, and overseeing the construction and completion of the projects.

Coordinate and manage Parks Capital Improvement Projects (Parks, Trails, Streets and Streetscapes and Building Facilities), including media contact/interaction, administration of contracts with consultants/contractors, management of outside consultants in the preparation of construction documents and cost estimates, and inspection of construction to ensure City codes and standards are met.

Coordinate and manage Park Partner volunteer projects, including contact with local groups to secure interest, raise funds, facilitate meetings, coordinate materials purchases and deliveries and supervise volunteers and City forces in the construction and completion of projects.

Provide technical and professional support services to city staff, including other departments, relative to assigned area of responsibility.

Design and update the City’s standards for landscape, irrigation, streetscape and park development including meeting with representatives of the construction and building industry to implement new City standards and development processes.

Maintain records of all plans and contract documents and prepare and maintain records for plan checking procedures.

Provide technical input, including cost estimates, for the preparation of the City Operating Budget and CIP budget.

Prepare, manage and review Environmental Impact, CEQA, NEPA and other regulatory agency documents and permits.

Exhibit “A”
Essential Functions: (Continued)

Coordinate and conduct public meetings on the development of neighborhood, community and regional parks including preparation of reports and multi-media presentations to the City Council and citizens.

Perform Acting Division Management in the absence of the Division Manager, including attending managerial meetings.

Monitor work and provide training to staff which may include volunteers, interns, and alternative work force and on a variety of assignments.

Use and provide technical assistance of AutoCAD to design/refine designs of construction projects.

Inspect play equipment for compliance with safety and accessibility requirements.

Prepare and manage county, state and federal grant applications for CIP projects.

Identify and assist with the acquisition of property suitable for park development.

Provide information to citizens and public information staff and respond to and resolve citizen inquiries and complaints.

Manage fund development as it relates to CIP and Park Partners projects.

Investigate field problems affecting property owners, contractors and maintenance operations.

Marginal Functions:

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Principles, practices and methods of landscape architecture, architecture and civil engineer professions as applied to open space design—park and park facilities design and construction installation.

Exhibit “A”
Knowledge of: (Continued)

Construction document blueprint reading and construction installation methods.

Local codes, regulations, ordinances and regional planning policies pertaining to land use and park planning and development.

Federal and State environmental policies, regulations and requirements.

Practices and principles of construction administration and construction inspections.

Principles, practices and methods of the Landscape Architecture, Architecture and Civil Engineering professions as applied to park and park facilities design and construction installation.

Practices and principles of municipal budgeting.

Ability to:

Prepare and review construction plans and specifications, construction drawings, cost estimates and bid documents.

Administer Capital Improvement Projects, including planning, coordination and review of open space facility planning and site development.

Operate a variety of general and technical software, including CAD systems, project management software and spreadsheets.

Make presentations to a variety of private citizens, public groups, boards, commissions, councils and other organizations.

Communicate effectively, using graphic instructions such as blueprints, layouts or other visual aids.

Effectively facilitate public design workshops.

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

Communicate effectively using graphic information such as blueprints, layouts or other visual aids.

Effectively facilitating public design workshops; negotiating outcome on a variety of issues.

Exhibit "A"
Ability to: (Continued)

Analyze complex design issues and effectively resolve them.

Effectively incorporate fund-development processes in capital improvement projects.

Effectively present to a variety of private citizens, public groups, boards, commissions, councils and other organizations, resulting in successful city/community partnerships.

Effectively create landscape architectural designs and construction documents that meet the needs of the citizens.

Prepare and review construction plans and specifications, construction drawings, cost estimates and bid documents.

Administer Capital Improvement Projects, including planning, coordination and review of park and park facilities site development.

Operate a variety of general technical software, including CAD systems, project management software, word processing and spreadsheets.

Create multi-media presentations for private citizens, public groups, board, commissions, councils and other organizations.

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

Multi-task and work effectively in a fast-paced environment.

Experience and Training Guidelines:

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

Experience:

Two years of increasingly responsible experience in capital improvement program management including planning, design and development of parks landscaping.
Training:

Equivalent to a Bachelor's degree from an accredited college or university with major coursework in construction administration, land use planning, civil engineering, landscape architecture, public or business administration or a related field.

License or Certificate:

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

Possession of, or ability to obtain, a registered Landscape Architect license, certification as a Landscape Designer or registered Civil Engineer license is highly desired.

WORKING CONDITIONS

Environmental Conditions:

Work is performed in a typical temperature controlled office environment subject to typical office noise and environment; some field work is required and travel from site-to-site. Positions may require occasional overtime or weekend work.

Physical and Mental Requirements:

**Mobility:** frequent use of keyboard; frequent sitting for long periods of time; occasional bending or squatting. **Lifting:** frequently up to 10 pounds; occasionally up to 25 pounds. **Vision:** constant use of overall vision; frequent reading and close-up work; occasional color and depth vision. **Dexterity:** frequent repetitive motion; frequent writing; frequent grasping, holding, and reaching. **Hearing/Talking:** frequent hearing and talking, in person and on the phone. **Emotional/Psychological:** frequent decision-making and concentration; frequent public and/or coworker contact; occasional working alone. **Environmental:** frequent exposure to noise.
MODESTO CITY COUNCIL
RESOLUTION NO. 2007-681

A RESOLUTION AMENDING EXHIBIT "A" OF RESOLUTION NO. 2006-319 TO REVISE THE CLASS RANGE TABLE FOR GENERAL NON-SWORN CLASSES TO DELETE PROJECT COORDINATOR FROM SALARY RANGE 130.

WHEREAS, the City Council desires to amend Exhibit "A" of Resolution No. 2006-319, which approved the Class Range Table for General Non-Sworn Classes,

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

SECTION 1. AMENDMENT TO RESOLUTION NO. 2006-319. Exhibit "A" entitled, "City of Modesto Class Range Table General Non-Sworn Classes Effective May 23, 2006," attached to Resolution No. 2006-319, is hereby amended as shown on the amended Exhibit "A" entitled, "City of Modesto Class Range Table General Non-Sworn Classes Effective November 13, 2007," which is attached here to and made a part hereof as though set forth in full herein. Said amended Exhibit "A" deletes Project Coordinator from salary range 130.

SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after November 13, 2007.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on 13th day of November, 2007, by Councilmember Dunbar, who moved its adoption, which motion being duly seconded by Councilmember O’Bryant, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Ridenour

ATTEST: Jean Morris

JEAN MORRIS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Susana Alcala Wood, City Attorney
<table>
<thead>
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<tr>
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<td>Custodian I</td>
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<tr>
<td>103</td>
<td>Administrative Office Assistant I</td>
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<td>Administrative Office Assistant III</td>
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<td>113</td>
<td>Administrative Technician</td>
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<td>Drafting and Graphics Technician</td>
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<td>Storeskeeper</td>
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| 115   | Accounting Technician  
       Administrative Services Technician I  
       Customer Services Account Clerk III  
       Senior Administrative Office Assistant |
| 116   | Equipment Operator  
       Motor Sweeper Operator  
       Traffic Operations Technician  
       Used Oil Coordinator  
       Wastewater Collection System Operator  
       Water Distribution Operator I |
| 117   | Electrical Technician II |
| 118   | Customer Services Accounting Technician  
       Fleet Procurement Specialist  
       Parking Lot Maintenance Crewleader  
       Parks Crewleader  
       Recreation Coordinator  
       Senior Storeskeeper  
       Tree Trimmer  
       Water Distribution Operator II |
| 119   | Administrative Services Technician II  
       Assistant Buyer  
       Building Maintenance Mechanic  
       Civil Engineering Technician I  
       Code Enforcement Officer-Neighborhood Preservation I  
       Maintenance Mechanic – Parks  
       Maintenance Mechanic – Pumps  
       Public Information Technician |
| 120   | Accountant I  
       Assistant Electrician  
       Laboratory Analyst I  
       Senior Equipment Operator  
       Traffic Painter Crewleader  
       Wastewater Treatment Plant Operator I  
       Water Resource Specialist I  
       Welder/Fabricator |
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<tbody>
<tr>
<td>121</td>
<td>Solid Waste Enforcement Officer</td>
</tr>
</tbody>
</table>
| 122    | Equipment Mechanic  
|        | Fire Equipment Mechanic  
|        | Tree Trimmer Crewleader |
| 123    | Airport Maintenance Crewleader  
|        | Civil Engineering Technician II  
|        | Code Enforcement Officer-Neighborhood Preservation II  
|        | Maintenance Mechanic Crewleader – Parks |
| 124    | Community Development Program Specialist I  
|        | Cross Connection Specialist  
|        | Environmental Compliance Inspector I  
|        | Heavy Equipment Mechanic  
|        | Laboratory Analyst II  
|        | Operation and Maintenance Crewleader  
|        | Planning Assistant  
|        | Plant Mechanic  
|        | Wastewater Treatment Plant Operator II  
|        | Water Conservation Specialist  
|        | Water Distribution Operator III  
|        | Water Production Operator I  
|        | Water Resource Specialist II  
|        | Water Services Equipment Operator I |
| 126    | Equipment Mechanic Crewleader  
|        | Housing Financial Specialist  
|        | Housing Rehabilitation Specialist I  
|        | Wastewater Treatment Plant Operator III |
| 127    | Civil Engineering Assistant  
|        | Senior Fire Equipment Mechanic |
| 128    | Building Inspector I  
|        | Community Development Program Specialist II  
|        | Electrician  
|        | Environmental Compliance Inspector II  
|        | Heavy Equipment Mechanic Crewleader  
|        | Instrument Repair Technician  
|        | Water Production Operator II  
<p>|        | Water Services Equipment Operator II |</p>
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| 129   | Construction Inspector  
        Housing Rehabilitation Specialist II  
        Laboratory Analyst III  
        Senior Wastewater Treatment Plant Operator |
| 130   | Senior Civil Engineering Assistant |
| 131   | Building Inspector II  
        Environmental Review Specialist  
        Senior Environmental Compliance Inspector  
        Water Division Crewleader |
| 132   | Plan Review Engineer  
        Senior Construction Inspector |
| 134   | Senior Building Inspector |
MODESTO CITY COUNCIL
RESOLUTION NO. 2007-682

A RESOLUTION AMENDING EXHIBIT “A” OF RESOLUTION NO. 2007-447 TO AMEND THE CLASS RANGE TABLE FOR REPRESENTED MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES ADDING PARKS PROJECT COORDINATOR AT SALARY RANGE 432

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

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

SECTION 1. AMENDMENT TO RESOLUTION NO. 2007-447 Exhibit "A" entitled, "City of Modesto Class Range Table Represented Management and Confidential Non-Sworn Classes Effective July 24, 2007", attached to Resolution No. 2007-447, is hereby amended as shown on the amended Exhibit “A” entitled “City of Modesto Class Range Table Represented Management and Confidential Non-Sworn Classes Effective November 13, 2007,” which is attached hereto and made a part hereof as though set forth in full herein. Said amended Exhibit “A” adds the classification of Parks Project Coordinator at Salary Range 432 ($4,917-$5,991 per month) to the Class Range Table.

SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after November 13, 2007.
The foregoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 13th day of November, 2007, by Councilmember Dunbar, who moved its adoption, which motion being duly seconded by Councilmember O’Bryant, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Ridenour

ATTEST: Jean Morris, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2007-682

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ABSENT: Councilmembers: Mayor Ridenour

ATTEST: 

(SEAL)

APPROVED AS TO FORM:

By

SUSANA ALCALA WOOD, City Attorney
## City of Modesto
### Class Range Table

Represented Management and Confidential Non-Sworn Classes

**Effective November 13, 2007**

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<tbody>
<tr>
<td>403</td>
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</table>
| 407   | Administrative Clerk II (Confidential)  
       | Administrative Office Assistant II (Confidential) |
| 408   |       |
| 409   |       |
| 410   |       |
| 411   | Administrative Office Assistant III (Confidential)  
       | Police Clerk II (Confidential) |
| 412   |       |
| 413   | Administrative Technician (Confidential) |
| 414   |       |
| 415   | Senior Administrative Office Assistant (Confidential)  
       | Secretary |
| 416   |       |
| 417   |       |
| 418   | Legal Secretary  
       | Systems Technician I |
| 419   | Public Information Technician (Confidential)  
       | Workers' Compensation Claims Assistant |
| 420   | Accountant I (Confidential)  
       | Deputy City Clerk  
       | Employee Benefits Coordinator  
       | Executive Secretary (Represented)  
<pre><code>   | Legal Services Technician |
</code></pre>
<p>| 421   |       |</p>
<table>
<thead>
<tr>
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| 422   | Office Supervisor  
Utility Dispatch Supervisor  
Workers' Compensation Claims Examiner I  
Systems Technician II |
| 423   | Custodian Supervisor  
Parking Services Supervisor |
| 424   | Assistant Planner  
Buyer  
Police Facilities Coordinator |
| 425   | Administrative Analyst I |
| 426   | Police Civilian Supervisor  
Stores Manager  
Supervising Animal Control Officer  
Systems Technician III |
| 427   | Assistant City Clerk/Auditor  
Workers' Compensation Claims Examiner II |
| 428   | Accountant II (Represented)  
Senior Buyer |
| 429   | |
| 430   | Associate Planner  
Community Services Supervisor  
Events Coordinator  
Senior Crime Analyst  
Software Analyst I |
| 431   | Administrative Analyst II  
Assistant Risk Manager  
Budget Analyst I  
Personnel Analyst  
Recycling Program Coordinator |
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| 432   | Communications Specialist  
        Compost Facility Supervisor  
        Customer Services Supervisor  
        Junior Civil Engineer  
        Junior Traffic Engineer  
        Neighborhood Preservation Supervisor  
        Operations and Maintenance Supervisor  
        **Parks Project Coordinator**  
        Recreation Supervisor II  
        Senior Accountant  
        Water Quality Control Maintenance Supervisor |
| 433   | Organizational Development Specialist |
| 434   | Budget Analyst II  
        Environmental Laboratory Supervisor  
        Operations Supervisor  
        Regulatory Compliance Supervisor  
        SCADA Supervisor  
        Senior Community Development Program Specialist  
        Senior Housing Rehabilitation Specialist  
        Software Analyst II  
        Supervising Accountant  
        Systems Engineer I |
| 435   | Business Analyst  
        Cultural Services Manager  
        Emergency Medical Services Coordinator  
        Integrated Waste Specialist  
        Management Analyst  
        Senior Personnel Analyst  
        Weed and Seed Program Coordinator |
| 436   | Assistant Civil Engineer  
        Assistant Traffic Engineer  
        Electrical Supervisor  
        Senior Planner |
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Wastewater Treatment Plant Manager |
| 447   | Business Development Division Manager  
Planning Division Manager  
Water Superintendent |
| 448   |       |
| 449   |       |
| 450   | Chief Building Official  
Senior Civil Engineer  
Traffic Engineer |
| 451   |       |
| 452   |       |
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MODESTO CITY COUNCIL
RESOLUTION NO. 2007-683

A RESOLUTION AMENDING THE FISCAL YEAR 2007-08 OPERATING BUDGET TO APPROPRIATE $5,906 FROM 0100-800-8000-8003, THE GENERAL FUND RESERVE

WHEREAS, the Personnel Department conducted a classification study of three Project Coordinator positions that are responsible to coordinate and manage Parks Capital Improvement Projects (parks, trails, streets and streetscapes and building facilities), including media contact/interaction, administration of contracts with consultants/contractors, management of outside consultants in the preparation of construction documents and cost estimates, preparation of construction documents and cost estimates and inspection of construction to ensure City codes and standards are met, and

WHEREAS, the study identified a need to amend and re-title the class specification of Project Coordinator to Parks Project Coordinator to more accurately describe the duties and responsibilities of the positions, and

WHEREAS, upon review, the new classification was determined to be exempt from overtime under the Fair Labor Standards Act and was determined to be more appropriately allocated to the Management and Confidential bargaining unit, and

WHEREAS, the City and MCMA met and conferred on the salary and have agreed upon salary range 432, and

WHEREAS, the General Fund Reserve provided funding to appropriate organizations for recent salary increases for MCMA-represented employees, and

WHEREAS, these positions were not included in MCMA at that time and staff now is requesting that the Parks Planning and Development Services operating budget be
increased by $5,906 to cover the portion of the increased costs attributable to the 3% salary increase

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves amending the Fiscal Year 2007-08 budget to appropriate $5,906 from 0100-800-8000-8003, the General Fund Reserve, to 0100-310-3120-0181, Parks Planning and Development Services, Salary Adjustments.

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 13th day of November 2007, by Councilmember Dunbar, who moved its adoption, which motion being duly seconded by Councilmember O’Bryant was upon roll call carried and the resolution adopted by the following vote:

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

Attest: Jean Morris
JEAN MORRIS, City Clerk

APPROVED AS TO FORM:

By: Susana Alcala Wood, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2007-684

A RESOLUTION AUTHORIZING THE FIRST AMENDMENT TO THE INDEPENDENT CONTRACTOR SERVICES AGREEMENT WITH DOCTOR JOCELYN E. ROLAND FOR PSYCHOLOGICAL SERVICES TO INCLUDE ALL FULL-TIME COMMUNITY SERVICES OFFICERS AND IDENTIFICATION TECHNICIANS IN THE MODESTO POLICE DEPARTMENT, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT

WHEREAS, May 22, 2007, council approved Resolution No. 2007-304 awarding the proposal and contract of psychotherapy services for the Police Department to Doctors Jocelyn E. Roland and Philip S. Trompetter, and

WHEREAS, the original contract provides counseling/therapy at no expense to all full-time, regular and reserve-sworn officers, and

WHEREAS, the first amendment would include all full-time Community Service Officers and Identification Technicians in the Modesto Police Department, and

WHEREAS, there are presently 349 employees (286 full-time sworn, 23 reserves, 37 Community Service Officers and 3 Identification Technicians) that will be covered under the contract with this amendment, and

WHEREAS, the Modesto Police Department will pay an additional $6,000 a year for a total of $58,000 annually to Psychological Services for the term of this Agreement,

WHEREAS, funds are budgeted in FY 07/08 Operating Buget.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the first amendment to the Independent Contractor Services Agreement with Doctor Jocelyn E. Roland for psychological services to include all full-
time Community Services Officers and Identification Technicians in the Modesto Police Department,

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of November, 2007, by Councilmember Dunbar, who moved its adoption, which motion being duly seconded by Councilmember O'Bryant, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Ridenour

ATTEST: Jean Morris

JEAN MORRIS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Susana Acalal Wood, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2007-685

A RESOLUTION APPROVING A 60-DAY EXTENSION TO THE SIX-MONTH
PROVISIONAL APPOINTMENT FOR DENNIS TURNER AS DEPUTY DIRECTOR OF
OPERATIONS (WASTEWATER)

WHEREAS, the Public Works Director appointed Fleet Manager Dennis Turner as the
provisional Deputy Direction of Operations (Wastewater) on April 23, 2007, and

WHEREAS, the consulting firm of Bob Murray and Associates is still in the process of
recruiting for the vacant Deputy Director of Operations (Wastewater) position. Qualified
applicants are in the process of being interviewed, and an eligibility list will be established
before the end of 2007, and

WHEREAS, Dennis Turner has been in this provision position for six months, and
continuity of leadership is critical in this demanding role, and

WHEREAS, Personnel Rule 7.5(c) states, “A provisional appointment shall not exceed
six months, except that the City Manager, with the approval of the City Council, may extend
such period for not more than sixty days by any one action”,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby
approves a 60-day extension to the six-month provisional appointment for Dennis Turner as Deputy
Director of Operations (Wastewater).
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of November, 2007, by Councilmember Dunbar, who moved its adoption, which motion being duly seconded by Councilmember O’Bryant, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Ridenour

ATTEST: Jean Morris

JEAN MORRIS, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: Susana Alcala Wood, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2007-686

A RESOLUTION A APPROVING THE CITY OF MODESTO’S PARTICIPATION IN THE NORTH COUNTY CORRIDOR PROJECT AND A PROJECT STUDY REPORT FOR THE OAKDALE BYPASS FUNDING AND AUTHORIZING THE CITY OF MODESTO TO PAY THE STANISLAUS COUNCIL OF GOVERNMENTS (STANCOG) $30,000 AS THE LEAD CONTRACTING AGENCY FOR THE PROJECT

WHEREAS, during the approval of the 2006 State Transportation Improvement Program (STIP) Augmentation, the California Transportation Commission (CTC) reallocate a part of the funding from the Oakdale Bypass project to fully fund the SR 99/Whitmore Interchange project as well as provide immediate needed funding to other state highway projects, and

WHEREAS, the CTC made a commitment to return the funds back to the Oakdale Bypass project in the 2008 STIP cycle, and

WHEREAS, the North County Corridor (NCC) project is being contemplated to develop a new roadway alignment traversing between SR 99 to the west and the city of Oakdale to the east, and

WHEREAS, this alignment will meander slightly to the north and south of the current Kiernan/Claribel corridor, and

WHEREAS, the proposed NCC is supported by the cities of Oakdale, Riverbank and Modesto and the County of Stanislaus, which are in the process of forming a Joint Powers Authority (JPA) to develop and implement the construction of this project, and

WHEREAS, in order to achieve this restructured project and maintain the Oakdale Bypass funding within the region, a Caltrans Standard Project Study Report (PSR) must be completed by April 1, 2008, and
WHEREAS, the Stanislaus Council of Governments (StanCOG) is hiring a consultant to complete a PSR for the proposed North County Corridor (NCC), effectively between Dale Road to the west and the City of Oakdale to the east, and

WHEREAS StanCOG, Stanislaus County and the cities of Riverbank, Oakdale and Modesto will participate at up to $30,000 each to complete the PSR with StanCOG as the lead and contracting agency, and

WHEREAS, Caltrans District 10 will participate; however, they do not have the staff or funds to do the PSR in-house, and

WHEREAS StanCOG presented a staff report and proposed resolution at the StanCOG Citizens Advisory Committee meeting on October 31, 2007,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the City of Modesto’s participation in the North County Corridor and a Project Study Report for the Oakdale bypass funding.

BE IT FURTHER RESOLVED that the City Council hereby authorizes the payment of $30,000 to StanCOG as the lead contracting agency for the project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of November 2007, by Councilmember Dunbar, who moved its adoption, which motion being duly seconded by Councilmember O’Bryant, was upon roll call carried and the resolution adopted by the following vote:

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

APPROVED AS TO FORM:

By SUSANA ALCALA WOOD, City Attorney

ATTEST: JEAN MORRIS, City Clerk

SUSANA ALCALA WOOD, City Attorney