MODESTO CITY COUNCIL
RESOLUTION NO. 2006-344

A RESOLUTION APPROVING AN AMENDMENT TO AGREEMENT WITH CAROLLO ENGINEERS, P.C. (CAROLLO) FOR ADDITIONAL WORK IN THE AMOUNT OF $12,000, TO COMPLETE THE WASTEWATER CAPACITY STUDY FOR PELANDALE/MCHENRY DEVELOPMENT PROJECT AND AUTHORIZING THE CITY MANAGER TO EXECUTE SAID AMENDMENT TO AGREEMENT

WHEREAS, on January 31, 2005, the City Manager approved an agreement with Carollo Engineers, P.C. (Carollo) to prepare the Wastewater Capacity Study for the Pelandale/McHenry Development Project in the amount of $17,500, and

WHEREAS, in the course of preparing the Wastewater Capacity Study for the Pelandale/McHenry Development Project, refinements to the site plan and actual land-use density were provided to City staff and, as a result, City staff concluded additional work under the tasks is required to incorporate these refinements into the draft study, and

WHEREAS, the additional work under the tasks is beyond the scope of the original agreement and is considered critical to the successful completion of the Wastewater Capacity Study, and

WHEREAS, the additional work to be performed by Carollo is as follows: 1) Incorporate Land Use updates to the May 2005 Draft Report. Review corresponding revised calculations on land use and acreages; 2) As needed teleconference meetings with City staff at various milestones of the Project. These milestones shall include the publishing of the First Draft, Second Draft, and Final Report; 3) Produce five (5) hard copies and one (1) screen check (electronic PDF) version of the First Draft Report; 4) Produce five (5) hard copies and one (1) screen check (electronic PDF) version of the
Second Draft Report; 5) Produce fifteen (15) hard copies and one (1) screen check (electronic PDF) version of the Final Report, and

WHEREAS, City agrees to pay Carollo the sum of $12,000 for the additional work to complete the Wastewater Capacity Study for the Pelandale/McHenry Development Project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Amendment to Agreement between the City of Modesto and Carollo for additional work in the amount of $12,000 to complete the Wastewater Capacity Study for the Pelandale/McHenry Development Project.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of June 2006, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember O’Bryant, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: 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 Richard Rudnansky, Interim City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2006-345

A RESOLUTION APPROVING A ONE (1)-YEAR AGREEMENT FOR CONSULTANT TESTING SERVICES WITH CONSOLIDATED ENGINEERING LABORATORIES TO PERFORM CONSTRUCTION MATERIALS TESTING SERVICES FOR VARIOUS PUBLIC WORKS PROJECTS CONSTRUCTED DURING THE 2006/2007 FISCAL YEAR, WITH TWO (2), ONE (1)-YEAR EXTENSION OPTIONS, AT THE SOLE DISCRETION OF CITY, IN AN AMOUNT NOT-TO-EXCEED $52,795.00 IN THE FIRST YEAR, $57,167.25 IN THE SECOND YEAR AND $60,025.10 IN THE THIRD YEAR; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE SAID AGREEMENT AND UP TO TWO (2) ONE (1)-YEAR EXTENSION OPTIONS. TOTAL COST FOR THREE YEARS IS NOT TO EXCEED $169,987.35

WHEREAS, the Construction Administration Office in the Capital Improvement Services Division of the Public Works Department finds it necessary to utilize the services of a material testing firm during the course of administering the construction on public improvement projects, and

WHEREAS, the consultant services are required to help achieve compliance with the specification requirements of the various projects, and

WHEREAS, staff does not have the required equipment or certifications to perform all the required testing services, and

WHEREAS, bids were opened on April 25, 2006, for the Construction Materials Testing Services, and

WHEREAS, the firm of Consolidated Engineering Laboratories was the low responsive bidder,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a one (1)-year Agreement For Consultant Testing Services between City of Modesto and Consolidated Engineering Laboratories to perform
Construction Materials Testing Services for various Public Works projects constructed during the 2006/2007 fiscal year, with two (2), one (1)-year extension options, at the sole discretion of City, in an amount not-to-exceed $52,795.00 in the first year, $57,167.25 in the second year and $60,025.10 in the third year. Total cost for three years is not to exceed $169,987.35.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute said Agreement and up to two (2) one (1)-year extension options.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of June 2006, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember O’Bryant, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: 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: Richard Rudnansky, Interim City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2006-346

A RESOLUTION AUTHORIZING ADDITIONAL WORK FOR THE INSTALLATION OF THE DUPLEX MOVED FROM 2512 & 2524 SYLVAN AVENUE TO THE MODESTO POLICE DEPARTMENT TACTICAL TRAINING CENTER FOR A TOTAL COST NOT TO EXCEED $90,864

WHEREAS, on April 26, 2005, the City Council approved Resolution No. 2005-221 to acquire property and two structures for the 2500 Sylvan Avenue Widening project, and

WHEREAS, on August 9, 2005, the City Council, by Resolution No. 2005-413, approved soliciting bids from house moving companies to relocate the two structures, and

WHEREAS, the Modesto Police Department needed a permanent structure at the Tactical Training Center, and

WHEREAS, Valley Wide Movers, Inc., submitted the only bid, and

WHEREAS, Valley Wide Movers, Inc., relocated the Duplex to the Modesto Police Department Tactical Training Center for the amount of $39,000, and

WHEREAS, on December 9, 2005, the Modesto Police Department advertised a separate informal bid to install the foundation, and

WHEREAS, Azevedo Concrete submitted the only bid, and

WHEREAS, Azevedo Concrete set the concrete foundation for the Duplex for a total amount of $19,864, and

WHEREAS, the combined cost of moving the duplex and setting the foundation has exceeded $50,000, and

WHEREAS, additional utility connections and miscellaneous improvements remain prior to occupancy for a cost not to exceed $32,000, and
WHEREAS, the total work to relocate the duplex will exceed $50,000 and require agreement by the full Council, and

WHEREAS, findings were made to satisfy the California Environmental Quality Act (CEQA), and

WHEREAS, the installation of a small structure to an existing facility is categorically exempt under CEQA,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the additional work for the installation of the Duplex, moved from 2512 and 2524 Sylvan Avenue to the Modesto Police Department Tactical Training Center, for a total cost not to exceed $90,864.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of June 2006, 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: Richard Rudnansky, Interim City Attorney
MODESTO CITY COUNCIL  
RESOLUTION NO. 2006-347  

A RESOLUTION AMENDING THE FY05-06 OPERATING AND CAPITAL IMPROVEMENT PROGRAM BUDGET TO DECREASE 0100-190-1901-0239 POLICE ADMINISTRATION BY $32,000 ALLOCATION TO INCREASE THE POLICE TACTICAL TRAINING CENTER CIP FUND 1300-190-M168 BY $32,000  

WHEREAS, on April 26, 2005, the City Council approved Resolution No. 2005-221 to acquire property and two structures for the 2500 Sylvan Avenue Widening project, and  

WHEREAS, on August 9, 2005, the City Council, by Resolution No. 2005-413, approved soliciting bids from house moving companies to relocate the two structures, and  

WHEREAS, the Modesto Police Department needed a permanent structure at the Tactical Training Center, and  

WHEREAS, Valley Wide Movers, Inc., submitted the only bid, and  

WHEREAS, Valley Wide Movers, Inc., relocated the Duplex to the Modesto Police Department Tactical Training Center for the amount of $39,000, and  

WHEREAS, on December 9, 2005, the Modesto Police Department advertised a separate informal bid to install the foundation, and  

WHEREAS, Azevedo Concrete submitted the only bid, and  

WHEREAS, Azevedo Concrete set the concrete foundation for the Duplex for a total amount of $19,864, and  

WHEREAS, the combined cost of moving the duplex and setting the foundation has exceeded $50,000, and
WHEREAS, additional utility connections and miscellaneous improvements remain prior to occupancy for a cost not to exceed $32,000, and

WHEREAS, the total work to relocate the duplex will exceed $50,000 and require agreement by the full Council, and

WHEREAS, the Public Works Director has determined that $32,000 in additional funds is required to fully fund the additional utility connections and miscellaneous improvements, and

WHEREAS, the Police Department has indicated that there are sufficient funds in the Police Administration Account 0100-190-1921-0239 for the appropriation of this project within the FY 2005-2006 Capital Improvement Program Budget to fully fund MY-1300-190-M168,

WHEREAS, the appropriation transfer requests are as follows:

- Decrease $32,000 from the Police Administration Account (0100-190-1901-0239)

- Increase $32,000 to the Police Tactical Training Center account: (MY-1300-190-M168-6040),

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a reduction of $32,000 from the Police Administration Account (0100-190-1901-0239), and an increase of $32,000 to the Police Tactical Training Center account: (MY-1300-190-M168-6040) to fully fund the Modesto Police Department Training Center Duplex Installation.
BE IT FURTHER RESOLVED that the Finance Director, or his designee, is hereby authorized to take the steps necessary to amend the Capital Improvement Program Budget.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of June 2006, 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: Richard Rudnansky, Interim City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2006-348

A RESOLUTION APPROVING AN AGREEMENT WITH CAD MASTERS, INC., FOR ON-CALL AUTOCAD DESIGN, DRAFTING AND RELATED ENGINEERING SUPPORT SERVICES FOR VARIOUS PUBLIC WORKS – CAPITAL IMPROVEMENT SERVICES PROJECTS FOR ONE (1) YEAR WITH THREE (3) ONE (1) YEAR EXTENSION OPTIONS AT THE SOLE DISCRETION OF CITY IN AN AMOUNT NOT TO EXCEED $40,000 PER YEAR, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT AND UP TO THREE (3) ONE (1) YEAR EXTENSION OPTIONS. TOTAL COST FOR FOUR (4) YEARS IS NOT TO EXCEED $160,000

WHEREAS, the Public Works Department – Capital Improvement Services Division performs a number of tasks requiring AutoCAD design, drafting and related engineering support services that, because of workload levels and/or staff experience, are beyond the ability of City’s engineering staff to accomplish in a timely manner, and

WHEREAS, the Public Works Department – Capital Improvement Services Division has utilized the services of specialized consulting design and drafting firms to perform targeted AutoCAD design, drafting and related engineering support services, and

WHEREAS, retaining an on-call AutoCAD design and drafting consultant allows the Capital Improvement Services Division to have quick access to specific AutoCAD design, drafting and related engineering support services when needed, and

WHEREAS, the Public Works Department – Capital Improvement Services Division has a large undertaking of numerous Capital Improvement Projects presently scheduled for review and processing by City staff, and

WHEREAS, an on-call AutoCAD design and drafting consultant can provide services for projects using an expert AutoCAD trainer/operator in design and drafting and offer a quick turnaround, which is essential to efficient response, and
WHEREAS, the goal is to standardize the outcome of the review process and reduce response time which will reflect on overall project budget and cost savings to the Capital Improvement Program, and

WHEREAS, CAD Masters has provided prior services in conjunction with the City’s design engineering planning efforts, and has demonstrated satisfactory services to the City on past projects, and

WHEREAS, CAD Masters is familiar with the City’s existing production drawings that will conform to the City’s CAD standards, is fully equipped to complete all or a portion of the design and drafting for the City’s engineering projects and can provide on-site project management and assistance by Principal Engineer (PE) Level technicians, and

WHEREAS, CAD Masters has provided design and drafting support to the City on key projects including the Briggsmore Avenue Roselle to Claus widening, the Pelandale Avenue Expressway-Dale to Prescott, and the Pelandale Avenue Expressway-Prescott to McHenry projects. In addition, CAD Masters has previously provided AutoCAD training and classes for City staff, and

WHEREAS, CAD Masters technicians have an intimate knowledge of advanced AutoCAD software and conversion procedures and can provide rendered images on various products and data file formats, dimensions and media as specified, and

WHEREAS, CAD Masters is deemed the most qualified to provide the requested on-call AutoCAD design and drafting services in a timely and cost effective manner, and
WHEREAS, City staff recommends consultant, CAD Masters be awarded a one-year contract for On-call AutoCAD Design, Drafting and Related Engineering Support Services, with three (3) one (1) year extension options at the sole discretion of City, and

WHEREAS, the consultant is paid on an hourly basis for actual hours required to perform specific task orders at a set rate, and

WHEREAS, the consultant will submit a written scope of services outlining the specific work, schedule and cost estimate associated with each task order, and

WHEREAS, CAD Masters will perform no service until Capital Improvement Services management has approved the proposed specific task order and a written Notice to Proceed (NTP) is prepared and sent to CAD Masters prior to commencement of services,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement with CAD Masters, Inc., for On-call AutoCAD Design, Drafting and Related Engineering Support Services for various Public Works – Capital Improvement Services projects for one (1) year with three (3) one (1) year extension options at the sole discretion of City in an amount not to exceed $40,000 per year, and authorizing the City Manager, or his designee, to execute the Agreement and up to three (3) one (1) year extension options. Total cost for four (4) years is not to exceed $160,000.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute said Agreement with CAD Masters, Inc., and up to three (3) one (1) year extension options.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of June 2006, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember O’Bryant, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: 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: Richard Rudnansky, Interim City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2006-349

A RESOLUTION OF INTENTION TO LEVY AND COLLECT ASSESSMENTS
FOR LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NO. 1 FOR DRY
CREEK MEADOWS SUBDIVISIONS NOS. 1 – 6

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

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

WHEREAS, Section 22623 of the Streets and Highways Code requires the City
Engineer, the person designated by this Council as Engineer of Work for Assessment
District No. 1, to prepare and file an annual report, and

WHEREAS, the City Engineer, said Engineer of Work, has prepared and filed
said annual report with the City Clerk, and

WHEREAS, the Council has approved said annual report by motion, and

WHEREAS, Section 22623 of the Street and Highways Code requires the
legislative body (the City Council) to adopt a resolution of intention which shall include
the following:
a. Declaration of intention of the legislative body (the City Council) to levy and collect assessments within the assessment district for the fiscal year stated in the annual report.

b. General description of the existing improvements and proposed improvements and any substantial changes proposed to be made in the existing improvements.

c. Reference to the assessment district by its distinctive designation and indication of the general location of the district.

d. Reference to said annual report, on file with the City Clerk, for a full and detailed description of the improvements, the boundaries of the assessment district and any zones therein, and the proposed assessments upon assessable lots and parcels of land within the district.

e. Notice of the time, as fixed by the Streets and Highways Code Section 22625, and the place for hearing by the legislative body (the City Council) on the levy of the proposed assessment.

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

1. The City Council intends to levy and collect assessments within Landscape Maintenance Assessment District No. 1 during the fiscal year 2006-07.

2. There are no proposed new improvements or any substantial changes in existing improvements in Dry Creek Meadows Subdivisions Nos. 1-6 and that
The existing improvements to be made in said assessment district are generally described as follows:

The City shall provide maintenance, in perpetuity, of landscaping and any and all improvements required for such maintenance including, but not limited to landscape irrigation systems in the following locations:

a. Street medians in Creekwood Drive
b. Areas adjacent to the access control walls along Creekwood Drive
c. Areas adjacent to the access control walls along Claus Road

3. Landscape Maintenance Assessment District No. 1 is located in the County of Stanislaus, within the City Limits of the City of Modesto and is more specifically located on the west side of Claus Road, between Modesto Irrigation District Lateral No. 2 and State Route 132 (Yosemite Boulevard).

4. Said annual report filed with the City Clerk and approved by the Council by motion does provide a full and detailed description of the improvements, the boundaries of the assessment district and any zones therein, and the proposed assessments upon assessable lots and parcels of land within Landscape Maintenance Assessment District No. 1.

5. On Wednesday, the 2nd day of August, 2006, at the hour of 5:30 p.m., the City Council will conduct a public hearing on the question of the levy of the proposed annual assessment. The hearing will be held at the meeting place of the City
Council located in the Tenth Street Place Chambers located at 1010 10th Street, Modesto, California.

6. The City Clerk is authorized and directed to give the notice of hearing required by the "Landscape and Lighting Act of 1972".

7. The levy and collection of assessments as set forth in this resolution are exempt from the procedural and substantive requirements of Proposition 218 pursuant to Article XIII, Section 5(a) of the California Constitution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of June, 2006, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember O’Bryant, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: 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

RICHARD RUDNANSKY, Interim City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2006-350

A RESOLUTION OF INTENTION TO LEVY AND COLLECT ASSESSMENTS FOR LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NO. 2 FOR DRY CREEK MEADOWS SUBDIVISIONS NOS. 7-10, CREEKWOOD MEADOWS SUBDIVISION AND YOSEMITE MEADOWS SUBDIVISION UNITS 1 & 2

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

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

WHEREAS, Section 22623 of the Streets and Highways Code requires the City Engineer, the person designated by this Council as Engineer of Work for Assessment District No. 2, to prepare and file an annual report, and

WHEREAS, the City Engineer, said Engineer of Work, has prepared and filed said annual report with the City Clerk, and

WHEREAS, the Council has approved said annual report by motion, and

WHEREAS, Section 22623 of the Streets and Highways Code requires the legislative body (the City Council) to adopt a resolution of intention which shall include the following:
a. Declaration of intention of the legislative body (the City Council) to levy and collect assessments within the assessment district for the fiscal year stated in said annual report.

b. General description of the existing improvements and proposed improvements and any substantial changes proposed to be made in the existing improvements.

c. Reference to the assessment district by its distinctive designation and indication of the general location of the district.

d. Reference to said annual report, on file with the City Clerk, for a full and detailed description of the improvements, the boundaries of the assessment district and any zones therein, and the proposed assessments upon assessable lots and parcels of land within the district.

e. Notice of the time, as fixed by Streets and Highways Code Section 22625, and the place for hearing by the legislative body (the City Council) on the levy of the proposed assessment.

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

1. The City Council intends to levy and collect assessments within Landscape Maintenance Assessment District No. 2 during the fiscal year 2006-07.

2. There are no proposed new improvements or any substantial changes in the existing improvements within the existing Landscape Maintenance
Assessment District No. 2, and the existing improvements to be made in said assessment district are generally described as follows:

The City shall provide maintenance, in perpetuity, of landscaping and any and all improvements required for such maintenance including, but not limited to landscape irrigation systems in the following locations:

a. Street medians in Creekwood Drive
b. Areas adjacent to the access control walls along Creekwood Drive
c. Areas adjacent to the access control walls along Claus Road

3. Landscape Maintenance Assessment District No. 2 is located in the County of Stanislaus, within the City limits of the City of Modesto and is more specifically located on the west side of Claus Road, between Modesto Irrigation District Lateral No. 2 and State Route 132 (Yosemite Boulevard).

4. Said annual report filed with the City Clerk and approved by the Council by motion does provide a full and detailed description of the improvements, the boundaries of the assessment district and any zones therein, and the proposed assessments upon assessable lots and parcels of land within Landscape Maintenance Assessment District No. 2.

5. On Wednesday, the 2nd day of August, 2006, at the hour of 5:30 p.m., the City Council will conduct a public hearing on the question of the levy of the proposed annual assessment. The hearing will be held at the meeting place of the City
Council located in the Tenth Street Place Chambers located at 1010 10th Street, Modesto, California.

6. The City Clerk is authorized and directed to give the notice of hearing required by the “Landscaping and Lighting Act of 1972”.

7. The levy and collection of assessments as set forth in this resolution shall follow the procedural and substantive requirements of Proposition 218 pursuant to Article 13D, Section 5(a) of the California Constitution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of June 2006, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember O’Bryant, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: 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 RICHARD RUDNANSKY, Interim City Attorney
A RESOLUTION REJECTING THE SOLE BID FOR THE REPLACEMENT OF STAIRCASES AT THE PRIMARY TREATMENT PLANT AND AUTHORIZING STAFF TO RE-ADVERTISE THE PROJECT

WHEREAS, on April 4, 2006, by Resolution No. 2006-215, the City Council authorized a request for proposals for replacement of staircases at the Primary Treatment Plant, and

WHEREAS, the sole bid was received for replacement of staircases at the Primary Treatment Plant and was opened at 2 p.m. on April 28, 2006, and

WHEREAS, staff recommends the sole bid be rejected and staff be allowed to re-advertise the project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the sole bid for the replacement of staircases at the Primary Treatment Plant opened on April 28, 2006, is hereby rejected.

BE IT FURTHER RESOLVED that staff is hereby authorized to re-advertise the project at a future date.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of June 2006, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember O’Bryant, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: 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: Richard Rudnansky, Interim City Attorney

REAL PROPERTY AND IMPROVEMENTS TO REAL PROPERTY LOCATED AT 3019 FLOYD AVENUE (APN 085-050-007 (PORTION)) AND 2606 ROSELLE AVENUE (APN 085-050-008 (PORTION)) (OWNER ON THE COUNTY OF STANISLAUS ASSESSMENT ROLL: JOAN L. WHITACRE, SURVIVING TRUSTEE ON THE WHITACRE FAMILY 1993 TRUST).

WHEREAS, in accordance with the Modesto Urban Area General Plan, it is desirable and necessary for the City of Modesto to acquire portions of real property and improvements to real property on APN 085-050-007 commonly identified as 3019 Floyd Avenue and APN 085-050-008 commonly identified as 2606 Roselle and more particularly described and depicted in Exhibits “A”, “B”, “C” and “D”, attached hereto and made a part hereof by reference, in order to implement the Floyd/Roselle Intersection Control project (the “Project”), and

WHEREAS, the City of Modesto is vested with the power of eminent domain to acquire real property by virtue of Article I, Section 19, of the Constitution of the State of California, and the California Eminent Domain Law, California Code of Civil Procedure Section 1230.010, et seq., and pursuant to Section 37350.5 of the Government Code of California, 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, all of whom have been given a reasonable opportunity to appear and be heard before the Modesto City Council 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; and
(d) Whether the offers required by Government Code Section 7267.2 have been made to the owner(s) of record.

and,

WHEREAS, the hearing was held on June 13, 2006, at 5:30 p.m. in the Tenth Street Place Chambers located at 1010 10th Street, Modesto, California, at which time evidence both oral and documentary was received and considered,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that based upon the evidence presented, the Council by vote of two-thirds or more of its members hereby FINDS, DETERMINES, AND ORDERS as follows:

1. The public interest and necessity require the Project;
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 improvements to real property more particularly described in said Exhibits “A”, “B”, “C” and “D” is necessary for the Project;
4. The offers required by Section 7267.2 of the Government Code of the State of California have been made to the owner/owners representative of record of the real property;
5. All conditions and statutory requirements necessary to exercise the power of eminent domain to acquire the property described herein have been complied with by the City of Modesto;
6. The Office of the City Attorney of the City of Modesto or counsel retained by the Office of the City Attorney of the City of Modesto is hereby authorized and directed to institute and conduct to conclusion an action in eminent domain for the acquisition of the estates and interests aforesaid and to take such action as it may deem advisable or necessary in connection therewith.

7. The Office of the City Attorney of the City of Modesto or counsel retained by the Office of the City Attorney of the City of Modesto is hereby authorized and empowered to deposit with the State Treasury Condemnation Fund the probable amount of compensation, based on appraisals, and to apply to the Court for an order of prejudgment possession of the subject property 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 6th day of June 2006, 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

RICHARD RUDNANSKY, Interim City Attorney
Legal Description

Being a portion of the Lands of Whitacre as conveyed by deed filed as Document Number 96-0111978-00 Official Records Stanislaus County, California also being a portion of the Northwest Quarter of the Northwest Quarter of Section 13, Township 3 South, Range 9 East, M.D.M., City of Modesto, Stanislaus County, California and being more particularly described as follows:

Commencing at the southwest corner of the Northwest Quarter of said Section 13, said corner being the centerline intersection of Roselle Avenue and Floyd Avenue; thence North 89°49'41" East on the centerline of Floyd Avenue, 188.00 feet to the southwest corner of Parcel Two as described in said Document Number 96-0111978-00; thence leaving said centerline, North 00°32'22" West, 30.00 feet to a point on the northerly right-of-way line of Floyd Avenue and the "True Point of Beginning"; thence North 89°49'41" East on said northerly line, 125.00 feet to the easterly line of said Parcel Two; thence North 00°32'22" West, on the easterly line of said Parcel Two, 22.00 feet; thence North 85°53'23" West, 125.35 feet to the west line of said Parcel Two; thence South 00°32'22" East, on said westerly line 31.36 feet; to the "True Point of Beginning".

Containing 3,335.14 square feet more of less.

EXPIRES 3-31-07

Exhibit A
Legal Description

Being a portion of the Lands of Whitacre as conveyed by deed filed as Document Number 96-0111978-00 Official Records Stanislaus County, California also being a portion of the Northwest Quarter of the Northwest Quarter of Section 13, Township 3 South, Range 9 East, M.D.M., City of Modesto, Stanislaus County, California and being more particularly described as follows:

Commencing at the southwest corner of the Northwest Quarter of the Northwest Quarter of said Section 13, said corner being the centerline intersection of Roselle Avenue and Floyd Avenue; thence North 89°49'41" East, on the centerline of Floyd Avenue, 188.00 feet to the southeast corner of Parcel One as described in said Document Number 96-0111978-00; thence leaving said centerline, North 00°32'22" West, 30.00 feet to a point on the northerly right-of-way line of Floyd Avenue; thence South 89°49'41" West on said northerly line, 122.91 feet; thence on a tangent curve to the right with a radius of 15.00 feet, through a delta of 89°37'47" for a length of 23.46 feet; thence North 00°32'22" West, parallel with and 50.00 feet easterly of the centerline of Roselle Avenue, 145.10 feet to the southerly line of the Lands of Hess as conveyed by deed recorded 12-10-87 by Instrument Number 136208; thence North 89°49'41" East, on said southerly line, 2.00 feet; thence South 00°32'22 East, 14.15 feet; thence on a tangent curve to the left with a radius of 115.00 feet, through a delta of 89°02'47" for a length of 178.73 feet; thence South 89°35'09" East, 22.93 feet to a point on the easterly line of said Parcel One; thence South 00°32'22 East, on said easterly line 31.36 feet to the 'True Point of Beginning'.

Containing 7,359.23 square feet more or less.

EXPIRES 3-31-07
A RESOLUTION APPOINTING JOSEPH R. TREVENA TO THE AIRPORT ADVISORY COMMITTEE

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

WHEREAS, the Economic Development Committee met on May 25, 2006, and recommended appointment of JOSEPH R. TREVENA to the Airport Advisory Committee.

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

SECTION 1. JOSEPH R. TREVENA is hereby appointed to the Airport Advisory Committee with a term expiration of January 1, 2008.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed members of the Airport Advisory Committee, and the Secretary thereof.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of June 2006, by Councilmember Marsh, who moved its adoption, which motion being duly seconded by Councilmember Olsen, 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. 2006-354

A RESOLUTION APPOINTING RONALD D. JESKE TO BOARD OF BUILDING APPEALS

WHEREAS, Section 1102 of the Charter of the City of Modesto authorizes the City Council to appoint members to various Boards and Commissions, and
WHEREAS, the Economic Development Committee met on May 25, 2006, and recommended appointment of RONALD D. JESKE to the Board of Building Appeals.

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

SECTION 1. RONALD D. JESKE, is hereby appointed to the Board of Building Appeals with a term expiration of January 1, 2008.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the appointed member of the Board of Building Appeals, and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of June 2006, by Councilmember Marsh, who moved its adoption, which motion being duly seconded by Councilmember Olsen, 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

06/13/06/CMO/E Puckett/Item 2 1 2006-354
A RESOLUTION APPOINTING DOROTHY S. GRIGGS TO THE CITIZENS ADVISORY COMMITTEE ON RECYCLING

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

WHEREAS, the Economic Development Committee met on May 25, 2006, and recommended appointment of DOROTHY S. GRIGGS to the Citizens Advisory Committee on Recycling.

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

SECTION 1. DOROTHY S. GRIGGS is hereby appointed to the Citizens Advisory Committee on Recycling with a term expiration of January 1, 2008.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of June 2006, by Councilmember Marsh, who moved its adoption, which motion being duly seconded by Councilmember Olsen, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Keating, Marsh, Olsen, O’Bryant, 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. 2006-356

A RESOLUTION APPOINTING MICHAEL PRATT TO THE CITIZENS HOUSING & COMMUNITY DEVELOPMENT COMMITTEE

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

WHEREAS, the Economic Development Committee met on May 25, 2006, and recommended appointment of MICHAEL PRATT to the Citizens Housing and Community Development Committee.

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

SECTION 1. MICHAEL PRATT is hereby appointed to the Citizens Housing & Community Development Committee with a term expiration of January 1, 2009.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the appointed member of the Citizens Housing & Community Development, and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of June 2006, by Councilmember Marsh, who moved its adoption, which motion being duly seconded by Councilmember Olsen, 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. 2006-357

A RESOLUTION APPOINTING MEMBERS TO THE COMMUNITY QUALITIES FORUM

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

WHEREAS, the Economic Development Committee met on May 25, 2006, and recommended appointment of ANTHONY GONZALEZ, a northeast resident, CHRISTINA MACILLUS, a southeast resident, FRED HAWKINS, a northwest resident, and DENNIS SEVILLA, a southwest resident, to the Community Qualities Forum.

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

SECTION 1. ANTHONY GONZALEZ, a northeast resident, is hereby appointed to the Community Qualities Forum with a term expiration of January 1, 2007.

SECTION 2. CHRISTINA MACILLUS, a southeast resident, FRED HAWKINS, a northwest resident, and DENNIS SEVILLA, a southwest resident, are hereby appointed to the Community Qualities Forum with term expirations of January 1, 2010.

SECTION 3. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed members of the Community Qualities Forum and the Secretary thereof.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of June 2006, by Councilmember Marsh, who moved its adoption, which motion being duly seconded by Councilmember Olsen, 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
MODESTO CITY COUNCIL
RESOLUTION NO. 2006-358

A RESOLUTION APPOINTING CLEO GRIFFITH AND BRIAN HADDIX TO THE CULTURE COMMISSION

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

WHEREAS, the Economic Development Committee met on May 25, 2006, and recommended appointment of CLEO GRIFFITH and BRIAN HADDIX to the Culture Commission.

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

SECTION 1. CLEO GRIFFITH, with a term expiration of January 1, 2007, and BRIAN HADDIX, with a term expiration of January 1, 2010, are hereby appointed to the Culture Commission.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the appointed member of the Culture Commission, and the Secretary thereof.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of June 2006, by Councilmember Marsh, who moved its adoption, which motion being duly seconded by Councilmember Olsen, 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
MODESTO CITY COUNCIL
RESOLUTION NO. 2006-359

A RESOLUTION APPOINTING MEMBERS TO THE EQUAL OPPORTUNITY/DISABILITY COMMISSION AND HUMAN RELATIONS COMMISSION

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

WHEREAS, the Economic Development Committee met on May 25, 2006, and recommended appointment of PRERAK SHAH, GREG DUB and BRUCE MERCHANT to the Equal Opportunity/Disability Commission, and JOE ROCHA JR. to serve jointly on the Equal Opportunity/Disability Commission and Human Relations Commission, and

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


SECTION 2. JOE ROCHA JR., with a term expiration of January 1, 2011, is hereby appointed to serve jointly on the Equal Opportunity/Disability Commission and Human Relations Commission.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the appointed members of the Equal Opportunity/Disability Commission and Human Relations Commission, and the Secretary thereof.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of June 2006, by Councilmember Marsh, who moved its adoption, which motion being duly seconded by Councilmember Olsen, 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. 2006-360

A RESOLUTION APPOINTING SARAH JEPPSON AND RONALD D. JESKE
TO THE GOLF COURSES ADVISORY COMMITTEE

WHEREAS, Section 1102 of the Charter of the City of Modesto authorizes the
City Council to appoint members to various Boards and Commissions, and
WHEREAS, the Economic Development Committee met on May 25, 2006, and
recommended appointment of SARAH JEPPSON and RONALD D. JESKE, to the Golf
Courses Advisory Committee.

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

SECTION 1. SARAH JEPPSON with a term expiration of January 1, 2009 and
RONALD D. JESKE with a term expiration of January 1, 2010, are hereby appointed to
the Golf Courses Advisory Committee.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this
resolution to the newly appointed members of the Golf Courses Advisory Committee,
and the Secretary thereof.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of June 2006, by Councilmember Marsh, who moved its adoption, which motion being duly seconded by Councilmember Olsen, 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

APPROVED AS TO FORM:

By: [Signature]

SUSANA ALCALA WOOD, City Attorney
A RESOLUTION APPOINTING TOM HALLINAN TO THE LANDMARK PRESERVATION COMMISSION

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

WHEREAS, the Economic Development Committee met on May 25, 2006, and recommended appointment of TOM HALLINAN to the Landmark Preservation Commission.

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

SECTION 1. TOM HALLINAN is hereby reappointed to the Landmark Preservation Commission with a term expiration of January 1, 2010.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the reappointed members of the Landmark Preservation Commission, and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of June 2006, by Councilmember Marsh, who moved its adoption, which motion being duly seconded by Councilmember Olsen, 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 ACCEPTING WITH REGRET THE RESIGNATION OF WILLIAM SCROGGINS FROM THE BOARD OF ZONING ADJUSTMENT

WHEREAS, WILLIAM SCROGGINS was appointed a member of the Board of Zoning Adjustment on February 28, 2006, and

WHEREAS, WILLIAM SCROGGINS has tendered his resignation from the aforementioned committee, and

WHEREAS, WILLIAM SCROGGINS has been a devoted and sincere public servant and has contributed greatly to our civic progress,

NOW, THEREFORE, BE IT RESOLVED that the resignation of WILLIAM SCROGGINS from the Board of Zoning Adjustment hereby is accepted with regret.

BE IT FURTHER RESOLVED that the Council of the City of Modesto, on its own behalf, and on behalf of the citizens of this City, hereby expresses its sincere appreciation to WILLIAM SCROGGINS for his outstanding service to the community.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of June 2006, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: 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. 2006-363

A RESOLUTION AUTHORIZING CHANGES TO THE CONGESTION MITIGATION AIR QUALITY FUNDING FOR CITY OF MODESTO PROJECTS IN THE 2004 FEDERAL TRANSPORTATION IMPROVEMENT PROGRAM AS CONSTITUTED IN AMENDMENT #14

WHEREAS, Stanislaus Council of Governments (StanCOG) is the designated metropolitan planning organization for the Stanislaus Region and is responsible for managing state and federal funds through a document called the Federal Transportation Improvement Program (FTIP), and

WHEREAS, this document contains the entire list of projects to which state and federal funds have been awarded by StanCOG, Caltrans, or other agencies, and

WHEREAS, the StanCOG Policy Board adopted the latest version of the FTIP on August 11, 2004, and

WHEREAS, in order to best utilize these funds this document must be amended from time to time to add new projects, modify project descriptions or funding amounts, change program-funding year, or delete projects, and

WHEREAS, StanCOG is currently preparing an amendment to the 2004 FTIP that will add, amend and delete various transportation projects for jurisdictions throughout Stanislaus County, and

WHEREAS, the recommended changes that are included in Amendment #14 for the City of Modesto are:

1) Delete Project: Orangeburg Avenue onto McHenry Avenue – Construct Right Turn Lane

Right of way costs were not originally included in the project. As a result, the additional cost for the right of way versus the benefit of the project cannot be justified. The
$350,000 originally planned for this project will be transferred to the Dale Road and Kiernan Avenue – Intersection Improvements project.

2) **Add Project: Intersection of Dale Road and Kiernan Avenue – Intersection Improvements**
The $350,000 that was allocated to the Orangeburg Avenue onto McHenry Avenue project will now be transferred to the Dale Road at Kiernan Avenue – Intersection Improvement

3) **Amend Project: Construct New Traffic Signals Downtown**
Reduce scope to one signal and reduce funding by $152,040. These funds will be transferred into the Arterial Roundabouts @ 2 Locations project.

4) **Delete Project: Dale Road – Construct Right-Turn Lane Onto Pelandale**
The Dale Road/Pelandale Avenue improvement project is being funded by the Kaiser project and the City is requesting that the $203,618 in CMAQ funds previously assigned to this project be allocated to the Arterial Roundabouts @ 2 Locations project.

5) **Amend Project: Arterial Roundabouts @ 2 Locations**
One of the roundabouts included in this project is the Sylvan and Roselle intersection roundabout. This amendment will increase the CMAQ funding for this project by $355,658 (See Items 3 and 4 above).

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes changes to the Congestion Mitigation Air Quality funding for City of Modesto projects in the 2004 Federal Transportation Improvement Program as constituted in Amendment #14, a copy of which is on file in the office of the City Clerk.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of June 2006, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

**AYES:**
Councilmembers: 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. 2006-364

A RESOLUTION AMENDING THE
FISCAL YEAR 2005-2006 ANNUAL BUDGET

WHEREAS, a financial analysis has been completed and it has been determined
that certain adjustments are required to the Annual Budget of the City of Modesto for the
Fiscal Year 2005-2006,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that appropriations, revenues, and transfers for the 2005-2006 budget have been adjusted
as shown in Schedule A.

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

The foregoing resolution was introduced at a regular meeting of the Council of the
City of Modesto held on the 13th day of June 2006, by Councilmember Hawn, who
moved its adoption, which motion being duly seconded by Councilmember Keating, was
upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: 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. 2006-365

A RESOLUTION AWARDING A PROFESSIONAL SERVICES CONTRACT TO
COOPERATIVE PERSONNEL SERVICES (CPS) FOR CLASSIFICATION AND
COMPENSATION SERVICES

WHEREAS, the City Council approved a supplemental budget allocation of
$20,000 for job audit services during the FY 2005-06 supplemental budget process, and

WHEREAS, it is necessary to use outside classification and compensation
services due to staffing constraints within the Personnel Department, and

WHEREAS, in the course of preparing the Request for Proposals (RFP), staff
determined that it was appropriate to add various engineering classes to the RFP because
of recruitment difficulties, and

WHEREAS, the addition of these classes increased the cost beyond that originally
anticipated in the supplemental budget process, and

WHEREAS, Cooperative Personnel Services has the experience and professional
expertise to complete this work and has provided the City with a cost proposal of
$40,135,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that it hereby authorizes the award of contract for classification and compensation
services to Cooperative Personnel Services in an amount not to exceed $40,135.

BE IT FURTHER RESOLVED that the Council hereby authorizes the City
Manager, or his designee, to execute said contract.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of June 2006, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: 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 Woodward, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2006-366

A RESOLUTION AUTHORIZING A TRANSFER FROM THE GENERAL FUND RESERVES TO FULLY FUND CLASSIFICATION AND COMPENSATION SERVICES PROVIDED BY COOPERATIVE PERSONNEL SERVICES

WHEREAS, the City Council approved a supplemental budget allocation of $20,000 for job audit services during the FY 2005-06 supplemental budget process, and

WHEREAS, in the course of preparing the Request for Proposals (RFP), staff determined that it was appropriate to add various engineering classes to the RFP because of recruitment difficulties, and

WHEREAS, the addition of these classes increased the cost beyond that originally anticipated in the supplemental budget process, and

WHEREAS, Cooperative Personnel Services has the experience and professional expertise to complete this work and has provided the City with a cost proposal of $40,135, and

WHEREAS, funding is unavailable to fund the increased contract costs with the Personnel Department’s Operating Budget,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes a transfer of $20,135 from the General Fund reserves to the Personnel Department’s Operating Budget to fully fund the contract in the amount of $40,135.

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 13th day of June 2006 by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: 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
A RESOLUTION APPROVING A FOURTH AMENDMENT TO AGREEMENT FOR WEB CONSULTING SERVICES WITH MICAHLYNN RIVERA, IN AN AMOUNT NOT TO EXCEED $55,000; AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AMENDMENT TO AGREEMENT

WHEREAS, the Community & Economic Development Department (CEDD) website is an important tool used to provide the public with information about the Department’s services, and

WHEREAS, the Community & Economic Development Department has four (4) websites that were designed, developed, created and are maintained by the department’s web consultant, Micahlynn Rivera, and

WHEREAS, the Community & Economic Development Department website, www.modestogov.com/ced represents the department within the City of Modesto website and serves as a portal to all department information including links to Planning Commission information, Board of Zoning information, CED division information, and detailed contact information for department staff, and

WHEREAS, on average the CEDD website has over 7,700 visitors per month, and

WHEREAS, The Development Center website, www.modestogov.com/development, provides extensive information on development related issues such as each step in the building permit and review process including basic descriptions, application examples, steps to start the process, and a list of information required to submit an application as well as links to all related forms and information, and
WHEREAS, The Development Center website includes additional online resources including a building permit fee calculator, monthly water/sewer cost calculator, and a growing collection of development related documents and guides to assist the community through the development process, and

WHEREAS, on average The Development Center website has over 2,700 visitors per month, and

WHEREAS, the Business Development website, www.choosemodesto.com, serves as a tool for site selectors and businesses looking to relocate to the City of Modesto, and contains an expansive collection of data related to the City as well as comparison statistics for four other cities, and

WHEREAS, on average www.choosemodesto.com has over 6,100 visitors per month, and

WHEREAS, the Redevelopment Agency website, www.modestorda.com, serves as the official site of the Modesto Redevelopment Agency and is home to program information, related documents, meeting agendas, minutes, project information and a photo gallery featuring the progress of the Redevelopment Agency, and

WHEREAS, on average the Redevelopment Agency website has over 1,000 visitors per month, and

WHEREAS, the Web Consultant also provides assistance to the City Manager’s Department and other City departments in the areas of graphic design and development of publications used to provide information to the public, and

WHEREAS, the Web Consultant has unique skills and abilities that are critical in maintaining current web services and meeting future goals and demands, and
WHEREAS, the City desires to extend Consultant’s contract through June 30, 2007, for an additional amount not to exceed $55,000 for services as set forth in Exhibit “A” attached hereto,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Fourth Amendment to Agreement for website consulting services with Micahlynn Rivera through June 30, 2007, in an amount not to exceed $55,000.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of June, 2006, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: 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
Exhibit “A”
PROJECT SCOPE

- C&ED Intranet
  Duties: Maintain internal websites for C&ED Department:
  o C&ED Intranet Site
  o Property Management Site
  o Online Newsletter
  Links to documents, forms, staff gallery and other department related information. Not available to the public.

- C&ED Websites
  Duties: Maintain public website that houses all C&ED sub-sites:
  o Board of Zoning
  o Building & Development Site
  o Business Development
  o Economic Development
  o Housing Element
  o Planning Commission
  o Planning Division
  o Redevelopment Agency
  o Urban Area Growth Review
  Update pages as requested, routine maintenance and reformatting as necessary.

- Graphic Design
  Duties: Create graphics for all marketing materials, presentations and other items as requested.

- Presentation Design
  Duties: Design Power Point presentations as needed.

- Technical Support
  Duties: Troubleshoot software problems and hardware problems as capable

- Management of special projects
MODESTO CITY COUNCIL
RESOLUTION NO. 2006-368

A RESOLUTION ESTABLISHING THE CALCULATION FOR THE
APPROPRIATION LIMIT FOR THE FISCAL YEAR 2006-2007 ANNUAL
BUDGET

WHEREAS, Proposition 4 of the California State Constitution requires the City to
establish an appropriation limit calculation each fiscal year, and

WHEREAS, Article XIIIB of the California Constitution specifies that
appropriations made by State and local governments may increase annually by a factor
comprised of the change in population combined with either the change in California per
capita personal income or the change in the local assessment roll due to local
nonresidential construction, and

WHEREAS, the attached schedule shows the preferred price and population
factors to be used and the appropriation limit with the recommended factors in calculating
the limit are the price factor of “state growth in per capita income” and the population
factor of “growth rate in Stanislaus County”, and

WHEREAS, a copy of said report is on file in the City of Modesto Finance
Department,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that the appropriation limit calculation is hereby established as shown on Schedule A,
attached hereto, and made a part hereof.

BE IT FURTHER RESOLVED that the Finance Director is hereby authorized to
take the necessary steps to implement the provisions of this resolution.
The foregoing resolution was introduced at a regular meeting of the Council of the
City of Modesto held on the 13th day of June 2006, by Councilmember Hawn, who
moved its adoption, which motion being duly seconded by Councilmember Keating, was
upon roll call carried and the resolution adopted by the following votes:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]
JEAN MORRIS, City Clerk

APPROVED AS TO FORM:

By: [Signature]
SUSANA ALCALA WOOD, City Attorney
A RESOLUTION APPROVING A STANDARD AGREEMENT FOR
CONSULTANT SERVICES WITH ROBERT SARHAD INVESTIGATIONS, AND
AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE
THE AGREEMENT

WHEREAS, the City desires to obtain the private investigation firm of Robert Sarhad Investigations with respect to administrative investigations, and

WHEREAS, the firm of Robert Sarhad Investigations is specially trained, experienced and competent to perform such services, and

WHEREAS, the public interest, economy and general welfare will be served by this agreement,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Standard Agreement For Consultant Services" with the firm of Robert Sarhad Investigations with respect to administrative investigations.

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

The foregoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 13th day of June 2006, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED AS TO FORM:

By

SUSANA ALACALA WOOD, Interim City Attorney

JEAN MORRIS, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2006-370

A RESOLUTION APPROVING AN AGREEMENT WITH THE DEPARTMENT OF CALIFORNIA HIGHWAY PATROL (CHP) IN THE AMOUNT OF $20,000 FOR MODESTO POLICE OFFICER AND/OR A SERGEANT OVERTIME TO REDUCE THE PEDESTRIAN-INVOLVED COLLISIONS IN THE MODESTO POLICE DEPARTMENT JURISDICTION FOR THE PEDESTRIAN SAFETY PROJECT GRANT, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the Office of Traffic Safety awarded the California Highway Patrol (CHP) a Pedestrian Safety Project Grant to address pedestrian-involved collisions on two selected segments of roadway, and

WHEREAS, the Modesto CHP area was selected as the second of the two corridors, SR 132 from Carpenter Rd. to Claus Rd to the Hwy. 99 corridor, because of its high incidence of pedestrian-involved collisions on Highway 99, and

WHEREAS, the California Highway Patrol requires uniformed Modesto Police Officer and/or Sergeant overtime to perform law enforcement activities on the portion of SR 99 within the City of Modesto jurisdiction, and

WHEREAS, the Modesto Police Department would like to collaborate with the CHP to reduce pedestrian fatalities and injuries, and

WHEREAS, the term of this Agreement is May 1, 2006, to April 30, 2007, and

WHEREAS, the City shall be compensated $20,000 for the services of a uniformed Modesto Police Officer and/or Sergeant for salary and overtime benefits, and

WHEREAS, the City will not be compensated for overhead or indirect costs,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an agreement with the Department of California Highway Patrol
in the amount of $20,000 for the provision of Modesto Police Officer and/or Sergeant
overtime to address the pedestrian fatal and injury collision problem in the Modesto
Police Department jurisdiction for the Pedestrian Safety Project Grant.

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 June 2006, by Councilmember Hawn, who
moved its adoption, which motion being duly seconded by Councilmember Keating, was
upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]
JEAN MORRIS, City Clerk

APPROVED AS TO FORM:

By: [Signature]
SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NUMBER 2006-371

A RESOLUTION AMENDING THE 2005/06 AND 2006/07 POLICE
DEPARTMENT BUDGET, ALLOCATING MULTI-YEAR APPROPRIATIONS
AND REVENUE OF $20,000 TO FUND MODESTO POLICE OFFICER AND/OR
SERGEANT OVERTIME FOR THE DEPARTMENT OF CALIFORNIA
HIGHWAY PATROL PEDESTRIAN SAFETY PROJECT GRANT

WHEREAS, the Department of California Highway Patrol (CHP) has been
awarded an Office of Traffic Safety grant to reduce pedestrian-involved collisions, and
WHEREAS, the Modesto CHP area, SR 132 from Carpenter Rd. to Claus Rd. to
the Hwy 99 corridor, was selected as the second of the two corridors for high incidences
of pedestrian-involved collisions on Hwy. 99, and
WHEREAS, the CHP requires Modesto Police Officer and/or Sergeant overtime
to perform law enforcement activities on the portion of SR 99 within the City of Modesto
jurisdiction, and
WHEREAS, the term of this Agreement is May 1, 2006 to April 30, 2007, and
WHEREAS, the City shall be compensated $20,000 for the services of a
uniformed Modesto Police Officer and/or Sergeant for salary and overtime benefits, and
WHEREAS, the City will not be compensated for overhead or indirect costs,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that the 2005/06 and 2006/07 Police Department budget, allocating multi-year
appropriations and revenue of $20,000 is hereby amended as follows:

### Appropriate:

<table>
<thead>
<tr>
<th>To:</th>
<th>0420-190-2066-0130</th>
<th>$20,000</th>
<th>CHP Pedestrian</th>
</tr>
</thead>
</table>

### Revenue:

<table>
<thead>
<tr>
<th>To:</th>
<th>0420-190-2066-4025</th>
<th>$20,000</th>
<th>PD Contract Services</th>
</tr>
</thead>
</table>
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 June 2006, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers:  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 NUMBER 2006-372

A RESOLUTION AMENDING THE 2006/07 PROPOSED FISCAL YEAR
BUDGET TO APPROPRIATE $14,950 IN 0100-190-1901-0110 AND $9,700 IN
0100-190-1941-0110 FROM THE GENERAL FUND RESERVES

WHEREAS, the Modesto Police Department recommends reallocating the current
Public Information Officer (PIO) who is a Police Officer to a Sergeant position to better
serve the needs of the department, and

WHEREAS, the PIO currently oversees the work of several assistant PIO’s who
may hold the rank of Detective or Sergeant, and it will allow for better efficiency and
communication between line and command staff and overall accountability throughout
the department, and

WHEREAS, with a Sergeant in charge, other administrative functions can be
considered for the PIO, including the supervision of part-time retired sworn personnel
who handle department background investigations and/or other full-time staff, and

WHEREAS, reallocating the Alcohol Beverage Control (ABC) Officer to a
Detective position will allow a long-term assignment relating to ABC issues and
investigations, and

WHEREAS, the position has evolved and the current duties and responsibilities,
which include planning and conducting sting and undercover operations, are more
consistent with other Detective positions within the Investigations Division, and

WHEREAS, the position requires considerable specialized training and the three-
year rotation guide that applies to Police Officer special assignments results in the
incumbent rotating out too quickly, and
WHEREAS, the upgrade of the Police Officer to Detective assignment for this position will allow for the department to be more responsive to ABC issues,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 2006/07 Fiscal Year Budget is hereby amended as indicated below:

To: 0100-190-1901-0110 $14,950 Police/Admin. Salaries
To: 0100-190-1941-0110 $ 9,700 Police/ISD Salaries
From: 0100-800-8000-8003 $24,650 General Fund Reserve

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 June 2006, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: 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 ALCALÁ WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2006-373

A RESOLUTION ACCEPTING THE 2006 ALCOHOLIC BEVERAGE CONTROL (ABC) GRANT PROJECT IN THE AMOUNT OF $125,000 FROM THE STATE DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL TO REDUCE CRIME AND EXCESSIVE CALLS FOR SERVICE IN AND AROUND STANISLAUS COUNTY’S DISORDERLY AND DISRUPTIVE ABC LICENSED ESTABLISHMENTS AND TO REDUCE SALES OF ALCOHOL TO MINORS AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE NECESSARY GRANT DOCUMENTS.

WHEREAS, the City of Modesto Police Department desires to undertake a certain project designated as the Modesto ABC Project to be funded in part from funds made available through the Grant Assistance to Local Law Enforcement Agencies Project administered by the Department of Alcoholic Beverage Control (hereafter referred to as ABC), and

WHEREAS, acceptance of said $125,000 grant will allow agencies in Stanislaus County and other outlying areas to work in collaboration to proactively address alcohol related crimes in Stanislaus County,

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby accepts the $125,000 grant entitled the Modesto ABC Project from the State Department of Alcoholic Beverage Control.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the necessary grant documents, including any extensions or amendments thereof and any subsequent contract with the State in relation thereto.

BE IT FURTHER RESOLVED that any liability arising out of the performance of said grant contract, including civil court actions for damages, shall be the responsibility
of the grant recipient and the authorizing agency. The State of California and ABC
disclaim responsibility for any such liability.

BE IT FURTHER RESOLVED that grant funds received hereunder shall not be
used to supplant expenditures controlled by this body.

BE IT FURTHER RESOLVED that this award is not subject to local hiring
freezes.

The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 13th day of June 2006, by Councilmember Hawn, who
moved its adoption, which motion being duly seconded by Councilmember Keating, was
upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: 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 NUMBER 2006-374

A RESOLUTION AMENDING THE FISCAL YEAR 2006/2007 OPERATING BUDGET ESTIMATING REVENUE OF $125,000 AND APPROPRIATING FUNDS

WHEREAS, the Police Department acquired a grant award in the sum of $125,000 from the State Department of Alcoholic Beverage Control for a project to reduce crime and excessive calls for service in and around Stanislaus County’s disorderly and disruptive ABC licensed establishments and to reduce sales of alcohol to minors, and

WHEREAS, there is no local match required for this program,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 2006/2007 Annual Operating Budget is hereby amended as indicated below to initiate said grant project:

<table>
<thead>
<tr>
<th>Expense:</th>
<th>0410-190-2992-0130</th>
<th>$91,500</th>
<th>Officers’ Overtime Hours</th>
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<tr>
<td></td>
<td>0410-190-2992-0240</td>
<td>$25,000</td>
<td>Intergovernmental Services</td>
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<td></td>
<td>0410-190-2992-0262</td>
<td>2,500</td>
<td>Officers’ Operating Expenses</td>
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<tr>
<td></td>
<td>0410-190-2992-0356</td>
<td>2,500</td>
<td>Program Equipment</td>
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<tr>
<td></td>
<td>0410-190-2992-0207</td>
<td>3,500</td>
<td>Required Conferences</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td><strong>$125,000</strong></td>
<td></td>
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</table>

<table>
<thead>
<tr>
<th>Revenue:</th>
<th>0410-190-2992-3190</th>
<th>$125,000</th>
<th>ABC Grant Funds</th>
</tr>
</thead>
</table>

BE IT FURTHER RESOLVED that the Finance Director is hereby authorized to take the necessary steps to implement the provisions of this resolution.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of June 2006, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: 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
A RESOLUTION AUTHORIZING THE MODESTO IRRIGATION DISTRICT (MID) TO EXECUTE AN AGREEMENT WITH BUREAU VERITAS (BV) IN AN AMOUNT NOT TO EXCEED $120,000 TO PROVIDE BUILDING CODE AND SAFETY ASSESSMENT PLAN REVIEW SERVICES AS PART OF THE DESIGN WORK RELATED TO THE PHASE TWO EXPANSION OF THE MODESTO REGIONAL WATER TREATMENT PLANT (MRWTP)

WHEREAS, the City and MID have been working together for several years planning the 30 million gallon per day (mgd) Phase Two Expansion of the MRWTP (from the plant’s original 30 mgd capacity) and the associated Downstream Improvements, and

WHEREAS, the two portions of this project are needed to provide existing users with a reliable water source and to keep pace with the City’s projected growth, and

WHEREAS, as related to the on-going design work being performed by Black & Veatch (B&V), MID staff is recommending that a consulting firm specializing in California Code compliance be hired to assure that the design documents related to the Phase Two Expansion portion of the project are in conformance to current building code standards, and

WHEREAS, B&V are developing plans and related documents to comply with code standards, however, their work is not required to be submitted to the local plan checking authority (Stanislaus County Building Department) since, under California law, MID is exempt from this process, and

WHEREAS, MID is recommending that the Phase Two Expansion design documents undergo this additional level of plan checking, and
WHEREAS, the project plans, specifications, and related documents submitted by B&V to MID at the 30%, 90%, and 100% completion stages will be checked against the current California Building, Plumbing, Electrical, Mechanical, Fire, Energy, and other applicable codes, and

WHEREAS, this Agreement between MID and BV will provide for building code and safety assessment plan review work, and

WHEREAS, the cost of the services described in the Agreement will not exceed $120,000, and

WHEREAS, as with certain other aspects of this project, MID will initially front the cost for this work, but the Revised and Restated Treatment and Delivery Agreement requires that the City reimburse MID for such costs once the project’s financing structure is in place, and

WHEREAS, the cost for these services were included in the original project budget and are not an additional cost above that amount, and

WHEREAS, this action is consistent with the Council’s goal that the City’s water system is sufficient to meet all current needs and to provide for future economic growth,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes Modesto Irrigation District (MID) to enter into an agreement with Bureau Veritas (BV) in an amount not to exceed $120,000 to provide building code and safety assessment plan review services as part of the design work related to the Phase Two Expansion of the Modesto Regional Water Treatment Plant (MRWTP).

BE IT FURTHER RESOLVED that the Modesto Irrigation District (MID), is hereby authorized to execute said Agreement with Bureau Veritas (BV) in an amount not
to exceed $120,000 to provide building code and safety assessment plan review services as part of the design work related to the Phase Two Expansion of the Modesto Regional Water Treatment Plant (MRWTP).

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of June 2006, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: 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

JEAN MORRIS, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2006-376

A RESOLUTION ACCEPTING IMPROVEMENTS IN THE TRAILS AT DRY CREEK SUBDIVISION ALONG PARKER ROAD, AND AUTHORIZING THE CITY CLERK TO RECORD A NOTICE OF COMPLETION AND AUTHORIZING THE RELEASE OF SECURITIES UPON EXPIRATION OF STATUTORY PERIODS

WHEREAS, JOHN J. MACHADO AND JUDY A. MACHADO, Co-Trustees of the Machado Family Trust Agreement, are the subdividers of TRAILS AT DRY CREEK ("SUBDIVISION"), and

WHEREAS, JOHN J. MACHADO AND JUDY A. MACHADO, Co-Trustees of the Machado Family Trust Agreement, have filed irrevocable letters of credit to secure faithful performance and payment for labor and materials in the amounts of $1,058,000.00 and $529,000.00, respectively, and

WHEREAS, JOHN J. MACHADO AND JUDY A. MACHADO, Co-Trustees of the Machado Family Trust Agreement, have filed a warranty letter of credit in the amount of $46,845.76 to guarantee improvements in the TRAILS AT DRY CREEK Subdivision, and

WHEREAS, the City Engineer, in a memorandum to Council, indicates that all public improvements required by the Subdivision Agreement has been completed to the satisfaction of the Public Works Department, and

WHEREAS, the City Engineer has indicated that it would be in order for the City Council to accept the public improvements in said subdivision as complete, and authorize the City Clerk to record a Notice of Completion and release the securities upon expiration of the statutory periods,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that:

1. The public improvements in the TRAILS AT DRY CREEK Subdivision are hereby accepted and the City Clerk is hereby authorized to record a Notice of Completion for the public improvements.

2. The City Clerk is hereby authorized to release the subdivision security for faithful performance in the amount of $1,058,000.00 upon recordation of the Notice of Completion.

3. The City Clerk is hereby authorized to release the subdivision security for labor and materials in the amount of $529,000.00 sixty (60) days after the recordation of the Notice of Completion, provided no claim is made thereon.

4. The City Clerk is hereby authorized to release the warranty security to guarantee the public improvements in the amount of $46,845.76 one year and one day after the effective date of this resolution, provided no claim is made thereon.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of June 2006, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: 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 STAFF TO PROCEED WITH A REQUEST FOR PROPOSALS AND APPROVING THE PROPOSED EVALUATION CRITERIA FOR A DESIGN/BUILD WATER WELL 226 – ARSENIC TREATMENT PROJECT

WHEREAS, effective January 1, 2006, the United States Federal Environmental Protection Agency (EPA) set new standards for arsenic in drinking water, and

WHEREAS, the new EPA standards reduced the arsenic from 50 parts per billion (ppb) to 10 ppb, and

WHEREAS, the City of Modesto tests all water wells for arsenic compliance, and

WHEREAS, City Water Well No. 226 located at the Conant Avenue/Brenner Way intersection had a reading of 12 ppb for the first quarter of 2006, and

WHEREAS, the 12 ppb amount exceeds the new EPA limitation and well treatment is now necessary, and

WHEREAS, Ion Exchange using Iron Infused Resin is a proven method of removing arsenic from drinking water, and

WHEREAS, staff proposes the City issue a Request for Proposals to provide a Design/Build Ion Exchange Arsenic Treatment facility, and

WHEREAS, qualified consultant/construction firms will be contacted to submit a Design and Cost Proposal, and

WHEREAS, a Committee designated by the Director of Public Works will evaluate all Proposals received based on criteria set forth in the RFP, and

WHEREAS, the Committee will recommend a consultant/construction company to provide the Arsenic Treatment Facility, and
WHEREAS, the City Council will consider approval of the Proposal,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes staff to proceed with a Request for Proposals to secure an Ion Exchange Arsenic Treatment facility at City Water Well No. 226.

BE IT FURTHER RESOLVED that the proposed evaluation criteria for a design/build of Water Well 226-Arsenic Treatment Project 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 June 2006, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: 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 Alcalá Wood, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2006-378

A RESOLUTION ACCEPTING THE SHACKELFORD SANITARY SEWER IMPROVEMENTS AND PROVIDING SANITARY SEWER SERVICE FOR STANISLAUS COUNTY OUTLINE AREA KNOWN AS SHACKELFORD

WHEREAS, Stanislaus County administered the design and construction of the Shackelford Sanitary Sewer System, and

WHEREAS, City of Modesto has inspected and approved the facilities constructed, and

WHEREAS, the City of Modesto collection system can service the Shackelford outline area defined as bordered by Pecos Avenue on the north, Rio Grande Avenue on the south, Crows Landing on the west, and Main Street on the east, and

WHEREAS, the Shackelford area requires a positive sewer service to replace aging residential septic systems,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the Shackelford Sanitary Sewer Improvements and will provide Sanitary Sewer Service for the Stanislaus County outline area known as Shackelford.

BE IT FURTHER RESOLVED that the Council hereby directs City staff to provide for the operation and maintenance of the Shackelford Sanitary Sewer system.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of June 2006, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: 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. 2006-379

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MODESTO CALLING AN ELECTION FOR THE PURPOSE OF SUBMITTING THE LEVY OF THE CITY OF MODESTO COMMUNITY FACILITIES DISTRICT NO. 2004-1 (VILLAGE ONE #2) SPECIAL TAXES TO THE QUALIFIED ELECTORS OF THE TERRITORY PROPOSED TO BE ANNEXED TO THE DISTRICT (ANNEXATION NO. 12)

WHEREAS, this Council did, on April 25, 2006, adopt its Resolution No. 2006-228 (the “Resolution of Intention to Annex”) to indicate its intention to annex certain territory to the City’s Community Facilities District No. 2004-1 (Village One #2) (the “District”) and authorize the levy of the District special taxes within the territory proposed to be annexed (the “Annexed Territory”), pursuant to Chapter 2.5 of Part 1 of Division 2 of Title 5 (commencing with Section 53311) of the California Government Code, commonly known as the “Mello-Roos Community Facilities Act of 1982” (the “Act”), and set a hearing thereon; and

WHEREAS, pursuant to the Act, this Council did, by its Resolution No. 2004-681, adopted on December 14, 2004, clarify the Rate and Method of Apportionment with respect to the Maximum Special Taxes to be generated by a parcel that has been rezoned, and

WHEREAS, pursuant to the Act, this Council did, by its Resolution No. 2004-683, adopted on December 14, 2004, create Tax Zone #2 within the District; and

WHEREAS, the One-Time Facilities Special Tax component of the special taxes is higher in Tax Zone #2 than in Tax Zone #1; and

WHEREAS, the Annexed Territory will be annexed to and subject to the special taxes in Tax Zone #2; and
WHEREAS, notice of the hearing was duly published as required by law, as evidenced by the proof of publication on file with the City Clerk; and

WHEREAS, a map of the Annexed Territory, entitled “Annexation Map No. 12 of Community Facilities District No. 2004-1 (Village One #2) of the City of Modesto, County of Stanislaus, State of California,” was recorded on April 26, 2006, in the Office of the County Recorder of the County of Stanislaus, in Book 4 of Maps of Assessment and Community Facilities Districts, at page 42; and

WHEREAS, at the time and date set for the hearing (June 13, 2006) pursuant to the Resolution of Intention to Annex, this Council held the public hearing, as required by the Act, related to the proposed annexation and the levy of the District special taxes for Tax Zone #2 within the Annexed Territory, and all other matters set forth in the Resolution of Intention to Annex; and

WHEREAS, at the hearing all persons desiring to be heard on all matters pertaining to the proposed annexation and the levy of the District special taxes for Tax Zone #2 within the Annexed Territory, and all other matters set forth in the Resolution of Intention to Annex, including all interested persons for or against the proposed annexation to the District and the levy of the District special taxes for Tax Zone #2 within the Annexed Territory were heard and considered, and a full and fair hearing was held thereon; and

WHEREAS, at the hearing evidence was presented to this Council on the matters before it, and this Council, at the conclusion of the hearing, was fully advised as to all matters related to the proposed annexation and the levy of the District special taxes for
Tax Zone #2 within the Annexed Territory, and all other matters set forth in the
Resolution of Intention to Annex; and

WHEREAS, written protests against the proposed annexation and the levy of the
District special taxes for Tax Zone #2 within the Annexed Territory have not been filed
with the City Clerk by 50 percent or more of the registered voters or six registered voters,
whichever is more, residing within the District or residing within the Annexed Territory,
or the owners of one-half or more of the land in the District, or in the Annexed Territory;
and

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

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

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

SECTION 1. The foregoing recitals are true and correct.

SECTION 2. All prior proceedings taken with respect to the annexation of the
Annexed Territory to the District, and the levy of the District special taxes for Tax Zone
#2 within the Annexed Territory were valid and in conformity with the requirements of
the Act. This determination shall be final and conclusive upon all persons.
SECTION 3. The proposed annexation of the Annexed Territory to the District and the levy of the District special taxes for Tax Zone #2 within the Annexed Territory have not been precluded by majority protest pursuant to Section 53339.5 of the Act.

SECTION 4. As stated in the Resolution of Intention to Annex, it is the intention of this Council, subject to the approval of the qualified electors of the Annexed Territory, to annex the Annexed Territory to the District and levy the District special taxes for Tax Zone #2 within the Annexed Territory. Upon such approval the Council will be authorized to levy the District special taxes for Tax Zone #2 within the Annexed Territory.

SECTION 5. A special election is hereby called at which the question of levying the District special taxes for Tax Zone #2 within the Annexed Territory shall be submitted to the qualified electors of the Annexed Territory. The election shall be held in accordance with and subject to the Act, all of the terms of which shall, unless waived as herein provided, be applicable to such election. The ballot measure shall be substantially in the form attached hereto as Exhibit A.

SECTION 6. Fewer than 12 persons have been registered to vote within the Annexed Territory for each of the 90 days preceding the close of the hearing referenced herein. Accordingly, the vote shall be by the landowners of the Annexed Territory, and each such landowner shall have one vote for each acre or portion thereof that he or she owns within the Annexed Territory. The ballots shall be distributed by mail with return postage prepaid, or by personal service, to each landowner, all as provided in Section 53326 of the Act.
Since the City Clerk has received an appropriate waiver of time limits and other requirements pertaining to the conduct of the election by the owner of all of the land in the Annexed Territory (the “Landowner”), the election shall be held on the 13th day of June 2006. The election shall be conducted by the City Clerk in the manner required by this resolution, the Act and applicable laws.

The hour on such date when the ballots are required to be received in the office of the City Clerk is 8:00 p.m., Pacific Time, provided that if all qualified electors have voted prior to such time, the election shall be closed upon the receipt of all of the ballots.

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

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

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

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

SECTION 11. The City Clerk shall canvass the returns and certify the results of the election to this Council. If two-thirds or more of the votes cast are in favor of levying the District special taxes for Tax Zone #2 in the Annexed Territory, this Council may thereafter order the annexation of the Annexed Territory to the District and levy the
District special taxes in the Annexed Territory in the amount and for the purposes specified in Resolution No. 2004-199 adopted by this Council on April 6, 2004 (the “Resolution of Formation”). The Special Tax will be levied only at the rate and apportioned only in the manner specified in the Resolution of Formation, as clarified by the City Council on December 14, 2004 (Resolution No. 2004-681), and at the rates set forth in Tax Zone #2 created by the City Council on December 14, 2004 (Resolution No. 2004-683).

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of June 2006, by Councilmember Hawn, 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, 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
SAMPLE
OFFICIAL BALLOT

BALLOT NO. _____

CITY OF MODESTO
COMMUNITIES FACILITIES DISTRICT NO. 2004-1
(VILLAGE ONE #2)

ANNEXATION NO. 12
SPECIAL TAX ELECTION

June 13, 2006

___% OF LAND IN TERRITORY PROPOSED TO BE ANNEXED TO DISTRICT
NUMBER OF VOTES ENTITLED TO BE CAST _____
(VOTER MAY REMOVE AND RETAIN THIS STUB)

INSTRUCTIONS TO VOTERS

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

All distinguishing marks or erasures are forbidden and make the ballot void. If you wrongly mark, tear or deface this ballot, telephone the Office of the City Clerk of the City of Modesto for instructions as soon as possible at (209) 577-5398, Monday through Friday, between the hours of 9:00 a.m. and noon

MARK YOUR CHOICE IN THIS MANNER ONLY: ☐<br />
MEASURE SUBMITTED TO VOTE OF VOTERS

Proposition A. Shall special taxes for Tax Zone #2, with maximum rates, method of apportionment, and manner of collection as provided in Exhibit A to the City’s Resolution No. 2004-683, entitled “A Resolution of the City Council of the City of Modesto Creating Tax Zone #2 in Community Facilities District No. 2004-1 (Village One #2), Approving an Increase in the One-Time Facilities Special Tax Therein, and Approving Updates of the Rate and Method of apportionment of Special Taxes for the District”, adopted by the City Council of the City of Modesto on December 14, 2004, which is incorporated herein by this reference, be levied within the territory proposed to be annexed to Tax Zone #2 of the City of Modesto Community Facilities District No. 2004-1 (Village One #2) pursuant to the City’s Resolution No. 2006-228, entitled “A Resolution of the City Council of the City of Modesto of Intention to Annex Territory to Community Facilities District No. 2004-1 (Village One #2) and to Authorize the Levy of Special Taxes therein (Annexation No. 12)” adopted by the City Council of the City of Modesto on April 25, 2006, for the purposes set forth in Resolution No. 2004-199, entitled “A Resolution of the City Council of the City of Modesto of Formation, Establishing City of Modesto Community Facilities District No. 2004-1 (Village One #2), Authorizing the Levy of Special Taxes within the District, Preliminarily Establishing an Appropriations Limit for the District, and Calling an Election for the Purpose of Submitting the Levy of the Special Taxes and the Establishment of the Appropriations Limit to the Qualified Electors of the District”, adopted by the City Council of the City of Modesto on April 6, 2004, which is incorporated herein by this reference?

BALLOT NO. _____

___% of land in territory proposed to be annexed to District

THIS BALLOT HAS A VALUE OF ___ VOTES
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MODESTO
CANVASSING THE RESULTS OF THE JUNE 13, 2006, ELECTION HELD
WITHIN THE TERRITORY PROPOSED TO BE ANNEXED TO CITY OF
MODESTO COMMUNITY FACILITIES DISTRICT NO. 2004-1 (VILLAGE ONE
#2), AND ORDERING ANNEXATION OF THE TERRITORY TO THE
DISTRICT (ANNEXATION NO. 12)

WHEREAS, this Council is conducting proceedings pertaining to the annexation
of certain territory to the City's Community Facilities District No. 2004-1 (Village One
#2) (the "District") and the levy of the District special taxes (the "District Special Taxes")
within such territory, as described in its Resolution No. 2006-228, entitled "A Resolution
of the City Council of the City of Modesto of Intention to Annex Territory to Community
Facilities District No. 2004-1 (Village One #2) and to Authorize the Levy of Special
Taxes therein (Annexation No. 12)" adopted on April 25, 2006, pursuant to Chapter 2.5
of Part 1 of Division 2 of Title 5 (commencing with Section 53311) of the California
Government Code, commonly known as the "Mello-Roos Community Facilities Act of
1982" (the "Act"); and

WHEREAS, pursuant to the Act, this Council did, by its Resolution No. 2004-
681, adopted on December 14, 2004, clarify the Rate and Method of Apportionment with
respect to the Maximum Special Taxes to be generated by a parcel that has been rezoned;
and

WHEREAS, pursuant to the Act, this Council did, by its Resolution No. 2004-
683, adopted on December 14, 2004 ("Resolution of Creation of Tax Zone #2"), create
Tax Zone #2 within the District; and
WHEREAS, the territory to be annexed will be subject to the tax rates in Tax Zone #2; and

WHEREAS, the owners of all the property within the territory proposed to be annexed to the District waived those provisions related to the timing and conduct of the election referenced in Sections 5, 6, 7 and 8 of this Council’s Resolution No. 2006-379, adopted on June 13, 2006, and, as a result, this Council called an election within the territory proposed to be annexed to the District (the “Election”) for June 13, 2006, or as soon thereafter as practicable, relative to the foregoing; and

WHEREAS, on June 13, 2006, the Election was held; and

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

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

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

SECTION 2. The ballot proposition presented to the qualified electors of the territory proposed to be annexed at the Election received at least two-thirds (2/3) of the votes cast at the Election. A copy of the City Clerk’s certificate of election results is attached.
SECTION 3. Pursuant to Section 53339.8 of the Act, it is hereby ordered that the territory proposed to be annexed to the District pursuant to Resolution No. 2006-228 be annexed to and be a part of the District with full legal effect, and that the District Special Taxes be levied within the territory so annexed as set forth in the Resolution of Creation of Tax Zone #2.

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

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of June 2006, by Councilmember Hawn, 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, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Morris, Mayor

APPROVED AS TO FORM:

By: Susana Alcala Wood, City Attorney
CERTIFICATE OF CITY CLERK

I, JEAN MORRIS, City Clerk of the City of Modesto, hereby certify that, pursuant to Resolution No. 2006-379, A Resolution of the City Council of the City of Modesto Calling an Election for the Purpose of Submitting the Levy of the City of Modesto Community Facilities District No. 2004-1 (Village One #2) Special Taxes to the Qualified Electors of the Territory Proposed to be Annexed to the District (Annexation No. 12) adopted on April 25, 2006, by the City Council of the City of Modesto, I did conduct the Special Tax Election on June 13, 2006, and that the election was conducted by mail or in person at the City Hall of the City of Modesto.

I further certify that the following shows the full text of the measure submitted to the voters at the election and the full and true totals of all votes cast for and against the measure.

**Proposition A.** Shall special taxes for Tax Zone #2, with maximum rates, method of apportionment, and manner of collection as provided in Exhibit A to the City's Resolution No. 2004-683, entitled "A Resolution of the City Council of the City of Modesto Creating Tax Zone #2 in Community Facilities District No. 2004-1 (Village One #2), Approving an Increase in the One-Time Facilities Special Tax Therein, and Approving Updates of the Rate and Method of apportionment of Special Taxes for the District", adopted by the City Council of the City of Modesto on December 14, 2004, which is incorporated herein by this reference, be levied within the territory proposed to be annexed to Tax Zone #2 of the City of Modesto Community Facilities District No. 2004-1 (Village One #2) pursuant to the City's Resolution No. 2006-228, entitled "A Resolution of the City Council of the City of Modesto of Intention to Annex Territory to Community Facilities District No. 2004-1 (Village One #2) and to Authorize the Levy of Special Taxes therein (Annexation No. 12)" adopted by the City Council of the City of Modesto on April 25, 2006, for the purposes set forth in Resolution No. 2004-199, entitled "A Resolution of the City Council of the City of Modesto of Formation, Establishing City of Modesto Community Facilities District No. 2004-1 (Village One #2), Authorizing the Levy of Special Taxes within the District, Preliminarily Establishing an Appropriations Limit for the District, and Calling an Election for the Purpose of Submitting the Levy of the Special Taxes and the Establishment of the Appropriations Limit to the Qualified Electors of the District", adopted by the City Council of the City of Modesto on April 6, 2004, which is incorporated herein by this reference?

<table>
<thead>
<tr>
<th>TOTAL VOTES CAST:</th>
<th>YES 27</th>
<th>NO 0</th>
</tr>
</thead>
</table>

Jean Morris
City Clerk of the City of Modesto

Dated: 6/21/2006

Exhibit A to 2006-380 Resolution - Canvassing (Annexation No.12 to CFD No. 2004-1) JM Revised Clean
MODESTO CITY COUNCIL
RESOLUTION NO. 2006-381


WHEREAS, on July 13, 1993, by Resolution No. 93-412, the City Council established a non-salaried honorary position to be known as “The Poet Laureate of the City of Modesto”, and

WHEREAS, the Culture Commission has the responsibility for nominating and recommending appointments to the Poet Laureate position, and

WHEREAS, on June 22, 2004, by Resolution 2004-304, the City Council appointed Sam Pierstorff as the Poet Laureate of the City of Modesto for a two-year term from July 1, 2004, through June 30, 2006, and

WHEREAS, the Culture Commission met on February 27, 2006, and concluded that Sam Pierstorff had appropriately fulfilled his obligations as Poet Laureate and recommended that his term be extended through June 30, 2008,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves extending the term of Sam Pierstorff’s appointment as the Poet Laureate of the City of Modesto through June 30, 2008.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of June 2006, 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

APPROVED AS TO FORM:
By
SUSANA ALCÁLA WOOD, City Attorney

06/27/06/FRN/W Mathes/Item 1

Print
MODESTO CITY COUNCIL  
RESOLUTION NO. 2006-382  

A RESOLUTION APPOINTING RYAN SWEHLA TO THE BOARD OF ZONING ADJUSTMENT  

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

WHEREAS, the Economic Development Committee met on June 12, 2006, and recommended appointment of RYAN SWEHLA to the Board of Zoning Adjustment.  

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

SECTION 1. RYAN SWEHLA is hereby appointed to the Board of Zoning Adjustment with a term expiration of January 1, 2010.  

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed member of the Board of Zoning Adjustment, and the Secretary thereof.  

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of June 2006, by Councilmember Keating, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:  

AYES: Councilmembers: 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 ACCEPTING WITH REGRET THE RESIGNATION OF HENRY DOTINGA FROM THE COMMUNITY QUALITIES FORUM

WHEREAS, HENRY DOTINGA was appointed a member of the Community Qualities Forum on March 22, 2005, and

WHEREAS, HENRY DOTINGA has tendered his resignation from the Community Qualities Forum, and

WHEREAS, HENRY DOTINGA has been a devoted and sincere public servant and has contributed greatly to our civic progress.

NOW, THEREFORE, BE IT RESOLVED that the resignation of HENRY DOTINGA from the Community Qualities Forum be, and hereby is accepted with regret.

BE IT FURTHER RESOLVED that the Council of the City of Modesto, on its own behalf, and on behalf of the citizens of this City, hereby expresses its sincere appreciation to HENRY DOTINGA for his outstanding service to the community.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of June 2006, 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, City Clerk

APPROVED AS TO FORM:

By: Susana Alcala Wood, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2006-384

A RESOLUTION APPROVING A CFD RIGHT OF WAY ACQUISITION AGREEMENT BETWEEN CITY OF MODESTO COMMUNITY FACILITIES DISTRICT NO. 2004-1 (VILLAGE ONE #2) AND VILLAGE ONE PLAZA, A LIMITED LIABILITY COMPANY, FOR APPROXIMATELY 0.397 ACRES ON THE SOUTHEAST CORNER OF FLOYD AVENUE AND ROSELLE AVENUE, AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT AND FINDING THAT THE POTENTIAL ENVIRONMENTAL EFFECTS OF THIS AGREEMENT HAVE BEEN ADEQUATELY ADDRESSED BY THE PREVIOUSLY CERTIFIED VILLAGE ONE SPECIFIC PLAN PROGRAM EIR AS MODIFIED BY THE 1994 FINAL SUPPLEMENTAL EIR (SCH NO. #90020181), AND AS AMENDED BY THE 2003 ADDENDUM TO THE EIR

WHEREAS, the City of Modesto desires to complete the core infrastructure needed to serve the Village One area, and

WHEREAS, Village One Plaza, A Limited Liability Company ("Developer") has agreed to sell approximately 0.397 acres on the southeast corner of Floyd and Avenue and Roselle Avenue to the City of Modesto so that certain improvements to the intersection of Floyd Avenue and Roselle Avenue can occur, and

WHEREAS, the City Council has considered the proposed CFD Right Of Way Acquisition Agreement ("Agreement") between City of Modesto Community Facilities District No. 2004-1 (Village One #2) and Developer, and

WHEREAS, said agreement shall have a maximum reimbursement amount of $143,118.50, and

WHEREAS, the City Council has received and considered the Written Checklist, Environmental Assessment EA/PW No. 2006-09, which concludes that acquisition of the right of way for which the Developer will be reimbursed under the proposed agreement, is within the scope of the previously certified Village One Specific Plan Program EIR as
modified by the 1994 Final Supplemental EIR (SCH No. 90020181), and as amended by the 2003 Addendum to the EIR, 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. The proposed CFD Right of Way Acquisition Agreement between City of Modesto Community Facilities District No. 2004-1 and Village One Plaza, A Limited Liability Company, (“Project”) is consistent with the Village One Specific Plan and the Modesto Urban Area General Plan.

2. 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.

3. 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.

4. 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.

5. 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.
6. The Written Checklist, Environmental Assessment EA/PW No. 2006-09, provides the substantial evidence to support findings 1-5, above.

BE IT FURTHER RESOLVED that the CFD Right of Way Acquisition Agreement between the City of Modesto Community Facilities District No. 2004-1 (Village One #2) and Village One Plaza, LLC, for right of way acquisition for construction of certain improvements to the intersection of Floyd Avenue and Roselle Avenue is hereby approved.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Agreement and all related property documents as Grantee on behalf of the City of Modesto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of June 2006, by Councilmember Hawn, 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, 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. 2006-385

A RESOLUTION AUTHORIZING THE AWARD OF CONTRACTS FOR THE
FURNISHING OF TEMPORARY LABOR SERVICES FOR THE CITY OF
MODESTO TO THE FOLLOWING COMPANIES AS “PRIMARY”
CONTRACTORS: ADECCO USA, INC., MODESTO, CA, REMEDY
INTELLIGENT STAFFING, INC., MODESTO, CA, VALLEY STAFFING
SERVICES, MODESTO, CA AND WESTAFF (USA), INC., MODESTO, CA; AND
WITH THE FOLLOWING COMPANIES AS “SECONDARY/THIRD”
POSITION CONTRACTORS: AEROTEK, INC., STOCKTON, CA AND
TEKSYSTEMS, INC., RANCHO CORDOVA, CA, TO BEGIN JULY 1, 2006, FOR
A TWO (2) YEAR AGREEMENT, WITH THREE (3) ONE-YEAR EXTENSION
OPTIONS, AT THE SOLE DISCRETION OF THE CITY

WHEREAS, last fiscal year the City as a whole spent approximately $1.9 million
dollars on temporary labor services, and

WHEREAS, historically the largest departmental users of temporary labor have
been the Public Works and Parks, Recreation & Neighborhoods Departments, and

WHEREAS, a Request for Proposal (RFP) addresses the following issues:

- Citywide contract
- Possible risk exposure
- Consolidate Citywide requirements
- Consistency of service delivery
- Tracking and Reporting, and

WHEREAS, on February 14, 2006, Council approved Resolution No. 2006-088
authorizing the Purchasing Manager to formally solicit Request for Proposals for the
furnishing of Temporary Labor Services for the City of Modesto, for a two (2) year
agreement with three (3) one-year extension options, and

WHEREAS, an RFP was issued to accomplish the following:
• Consolidation of Citywide requirements obtaining the best services for the price offered.

• Consistency of service delivery and the ability to provide activity reports to better monitor the cost and utilization of temporary services Citywide.

• Concise monitoring will allow quarterly reporting on usage hours and expenditures, and

WHEREAS, the Purchasing Division solicited Request for Proposal No. 0506-27 for the furnishing of Temporary Labor Services for the City of Modesto to thirty-four (34) prospective proposers, twenty-one (21) of which were local companies, posted the proposal on the City’s web site, and formally advertised as required by law, and

WHEREAS, on March 28, 2006, RFP’s were formally opened in the City Clerk’s office. Of the thirty-four (34) prospective proposers solicited, ten (10) companies chose to respond, and

WHEREAS, on March 30, 2006, the evaluation committee met and proposal evaluation packets were given to each committee member to individually review and score, and

WHEREAS, on April 12, 2006, the evaluation committee met to discuss the proposal submittals and how they individually rated and scored each submittal. Committee member scores were combined and averaged to arrive at a committee score, and

WHEREAS, on April 19, 2006, proposer interviews were held for the top candidates to clarify any questions committee members had regarding their proposal
submittals. Immediately following the interviews the committee members had an open
discussion of the candidates and then came to a consensus for award recommendation.

WHEREAS, based on being ranked highest in total evaluation criteria, as
determined by the evaluation committee, the following companies were selected as
primary contractors:

- Adecco USA, Inc., Modesto, CA
- Labor Ready Southwest, Inc., Modesto, CA
- Remedy Intelligent Staffing, Inc., Modesto, CA
- Valley Staffing Services, Modesto, CA
- Westaff (USA), Inc., Modesto, CA, and

WHEREAS, in order to provide for backup, as determined by the evaluation
committee, the following companies were selected as secondary/third position
contractors:

- Aerotek, Inc., Stockton, CA
- Labor Ready Southwest, Inc., Modesto, CA
- Remedy Intelligent Staffing, Inc., Modesto, CA
- TEKsystems, Inc., Modesto, CA
- Valley Staffing Services, Modesto, CA, and

WHEREAS, on May 9, 2006, Council approved Resolution No. 2006-285
authorizing the award of proposal, and directing staff to enter into contract negotiations
for the furnishing of Temporary Labor Services for the City of Modesto with the
following companies as “primary” contractors, Adecco USA, Inc., Modesto, CA, Labor
Ready Southwest, Inc., Modesto, CA, Remedy Intelligent Staffing, Inc., Modesto, CA,
Valley Staffing Services, Modesto, CA and Westaff (USA), Inc., Modesto, CA, to begin July 1, 2006, for a two (2) year agreement, with three (3) one-year extension options, at the sole discretion of the City, and

WHEREAS, additionally, contracts would also be awarded to companies as secondary and third position contractors, in order to provide for backup, as determined by the evaluation committee and contingent upon successful contract negotiations, and

WHEREAS, during contract negotiations, Labor Ready Southwest, Inc., a “primary” contractor was not able to accept the City’s indemnity language for automobile liability coverage, and therefore made a business decision not to enter into a contract with the City, sighting “that they could not meet the full commitments of the contract with the City of Modesto”. Because of Labor Ready Southwest, Inc. decision not to accept a contract, job title positions awarded to Labor Ready Southwest, Inc. had to be re-assigned to the next highest rated proposers, as outlined in the following matrix:

<table>
<thead>
<tr>
<th>Job Title Position</th>
<th>Primary Contractor</th>
</tr>
</thead>
<tbody>
<tr>
<td>Water Conservation Specialist</td>
<td>Valley Staffing Services, Modesto, CA</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Job Title Position</th>
<th>Secondary Position Contractor</th>
</tr>
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<tbody>
<tr>
<td>Administrative Office Assistant I</td>
<td>Valley Staffing Services</td>
</tr>
<tr>
<td>Computer Operator</td>
<td>Valley Staffing Services</td>
</tr>
<tr>
<td>Equipment Operator</td>
<td>Remedy Intelligent Staffing, Inc., Modesto, CA</td>
</tr>
<tr>
<td>Maintenance Worker I</td>
<td>Aerotek, Inc., Stockton, CA</td>
</tr>
<tr>
<td>Maintenance Worker II</td>
<td>Remedy Intelligent Staffing, Inc., Modesto, CA</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Job Title Position</th>
<th>Third Position Contractor</th>
</tr>
</thead>
<tbody>
<tr>
<td>Account Clerk</td>
<td>Remedy Intelligent Staffing, Inc., Modesto, CA</td>
</tr>
</tbody>
</table>

and,
WHEREAS, City departments intermittently have the need for temporary employees to:

- Fill vacancies created through retirements, resignations, and terminations.
- Fill need during periods of high demand and handle workload fluctuations,

WHEREAS, based on being ranked highest in total evaluation criteria, as determined by the evaluation committee, City staff recommends the award of contracts for the furnishing of Temporary Labor Services for the City of Modesto with the following companies as "primary" contractors, Adecco USA, Inc., Modesto, CA, Remedy Intelligent Staffing, Inc., Modesto, CA, Valley Staffing Services, Modesto, CA and Westaff (USA), Inc., Modesto, CA, and with the following companies as "secondary/third" position contractors, Aerotek, Inc., Stockton, CA and TEKsystems, Inc, Rancho Cordova, CA, to begin July 1, 2006, for a two (2) year agreement, with three (3) one-year extension options, at the sole discretion of the City.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the award of contracts for the furnishing of Temporary Labor Services for the City of Modesto to the following companies as "primary" contractors: Adecco USA, Inc., Modesto, CA, Remedy Intelligent Staffing, Inc., Modesto, CA, Valley Staffing Services, Modesto, CA and Westaff (USA), Inc., Modesto, CA; and with the following companies as "secondary/third" position contractors: Aerotek, Inc., Stockton, CA and TEKsystems, Inc, Rancho Cordova, CA, to begin July 1, 2006, for a two (2) year agreement, with three (3) one-year extension options, at the sole discretion of the City.
BE IT FURTHER RESOLVED, that the City Manager, or his designee, is hereby authorized to execute the contracts for the furnishing of Temporary Labor Services for the City of Modesto with the following companies as “primary” contractors: Adecco USA, Inc., Modesto, CA, Remedy Intelligent Staffing, Inc., Modesto, CA, Valley Staffing Services, Modesto, CA and Westaff (USA), Inc., Modesto, CA; and with the following companies as “secondary/third” position contractors: Aerotek, Inc., Stockton, CA and TEKsystems, Inc, Rancho Cordova, CA, to begin July 1, 2006, for a two (2) year agreement, with three (3) one-year extension options, at the sole discretion of the City.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of June 2006, 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, City Clerk

APPROVED AS TO FORM:

By: Susana Alcala Wood, City Attorney
A RESOLUTION APPROVING A STANDARD AGREEMENT FOR CONSULTANT SERVICES BETWEEN THE CITY OF MODESTO AND SHIBUMI CONSULTING SERVICES, LLC, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT

WHEREAS, the Customer Service Division of the City of Modesto Finance Department desires to enter into consulting service agreement with Shibumi Consulting Service, LLC for a two (2) year period, not to exceed $50,000 per fiscal year, and

WHEREAS, in 1999 the HTE Utility billing System was implemented, requiring the City of Modesto to seek additional support for the new Utility Billing System, and

WHEREAS, Mark Roberts, owner and sole proprietor of Shibumi Consulting, provides software support, additional training and specialized report writing to City in regards to the HTE Utility Billing System, and

WHEREAS, the Council of the City of Modesto is required to approve all contractual agreements that may exceed $50,000 in fees for contracted services, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that a Standard Agreement For Consulting Services between the City of Modesto and Shibumi Consulting Services, LLC is hereby approved.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute said Agreement.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of June, 2006, by Councilmember Hawn, 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, 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
WHEREAS, The Federal Property and Administrative Services Act of 1949, as amended, provides for the transfer of federal surplus personal property to the State Agency for Surplus Property (SASP) within each state, and

WHEREAS, the Department of General Services (DGS) is the State of California’s State Agency for Surplus Property (SASP), and

WHEREAS, each SASP is responsible for administering the surplus property donation program within its respective state, and

WHEREAS, surplus GSA personal property is made available to the City of Modesto at a reduced cost through the donation program administered by the State of California, Department of General Services, and

WHEREAS, federal surplus personal property can be used by all City departments, and

WHEREAS, federal surplus personal property includes all types and categories of property including but not limited to the following: airplanes, boats, communication equipment, furniture, tools, and motor vehicles, and

WHEREAS, Council approval is required by the State of California, Department of General Services, Office of Procurement-Surplus Property, to authorize designated City of Modesto personnel to review (screen) and obtain surplus Federal personal
property that is available through the General Services Administration’s (GSA) Federal Surplus Personal Property Program, and

WHEREAS, in previous years the City was able to designate fifteen (15) “screeners” through the GSA’s Federal Surplus Personal Property Program, and

WHEREAS, the City’s approval to participate in the program has expired and needs to be renewed, and

WHEREAS, a new requirement of that renewal process is to authorize no more than five (5) designated City of Modesto staff to serve as “screeners”, and

WHEREAS, the five (5) City staff designated as screeners are: Mark L. Averell, Jim Richards, Lori Martinez, Gary L. Watts, and Cindy Medley,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes Mark L. Averell, Jim Richards, Lori Martinez, Gary L. Watts, and Cindy Medley as the five (5) designated City of Modesto staff to serve as “screeners” as required by the State Department of General Services, Office of Procurement-Surplus Property, to review and obtain surplus Federal personal property that is available through the General Services Administration’s (GSA) Federal Surplus Personal property Program.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of June 2006, by Councilmember Hawn, 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, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Morris, City Clerk

APPROVED AS TO FORM:

By: Susana Alacala Wood, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2006-388

A RESOLUTION AUTHORIZING THE AWARD OF BID AND CONTRACT FOR TWO (2) NEW, CURRENT YEAR/MODEL, ELGIN EAGLE STREET SWEEPERS TO RICKER MACHINERY COMPANY OF OAKLAND, CA. FOR THE ESTIMATED COST OF $418,620.77

WHEREAS, the Public Works Department-Fleet Services Division has requested the purchase of two (2) new, current year/model, Elgin Eagle Street Sweepers, and

WHEREAS, the two (2) Elgin Eagle street sweepers will be used to replace current equipment, and

WHEREAS, the old equipment is being replaced because it has reached the end of its useful service life, and

WHEREAS, Resolution No. 2005-381 authorized the Purchasing Supervisor to solicit bids for new vehicles and heavy equipment throughout FY 05/06 using various competitive processes, with the Purchasing Division coming back to Council for award authorization, and

WHEREAS, the Purchasing Division solicited formal bids for two (2) new, current year/model, Elgin Eagle street sweepers on Request for Bid (RFB) 0506-25, with a bid opening date of March 14, 2006, and

WHEREAS, twelve (12) vendors were solicited of which one (1) was a local vendor, and

WHEREAS, out of twelve (12) vendors solicited, three (3) vendors chose to respond to the RFB, and

WHEREAS, the bid submitted by Municipal Maintenance Equipment, Inc. was deemed to be non-responsive because their bid did not meet bid specifications, and
WHEREAS, the 2% local vendor preference was not a factor in determining the lowest responsive and responsible bidder, and

WHEREAS, the Purchasing Division and Public Works-Fleet Division staff evaluated bids, and

WHEREAS, based on the evaluation of bids, Ricker Machinery Company of Oakland, CA. is hereby deemed to be the lowest responsive and responsible bidder for two (2) new, current year/model, Elgin Eagle Street Sweepers, and

WHEREAS, the estimated total amount for two (2) new, current year/model, Elgin Eagle Street Sweepers is $418,620.77, and

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

WHEREAS, the code also states that purchases whose total maximum cost to the City exceeds $50,000 shall receive preliminary approval of Council, MMC (8-3.203 (a)), and

WHEREAS, the two (2) new, current year/model, Elgin Eagle Street Sweepers received said approval with Resolution No. 2005-381, and

WHEREAS, this Request for Bid (RFB) process conforms to the Modesto Municipal Code, and

WHEREAS, the City Council could choose to reject the bids for two (2) new, current year/model, Elgin Eagle Street Sweepers,
WHEREAS, the City Council has appropriated funds in account number 7210-480-5814-5274 (Fleet Equipment, Replacement) and account number 6280-480-5313-5700 (Storm Drainage Fund),

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the award of bid and contract for two (2) new, current year/model, Elgin Eagle Street Sweepers to Ricker Machinery Company of Oakland, CA. for the estimated cost of $418,620.77.

BE IT FURTHER RESOLVED by the Council of the City of Modesto, that it hereby authorizes the Purchasing Manager to issue a purchase order to Ricker Machinery Company of Oakland, CA. for the estimated cost of $418,620.77.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of June 2006, by Councilmember Hawn, 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, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2006-389

A RESOLUTION APPROVING TWO (2) ANNUAL RETAIL ADVERTISING CONTRACTS WITH THE MODESTO BEE (MCCLATCHY NEWSPAPER GROUP), TO COINCIDE WITH THE FISCAL YEAR CALENDAR, CONSISTING OF, ONE (1) CONTRACT FOR A 500-COLUMN-INCH “NO-COMMITMENT” ADVERTISING RATE OF $50.87 PER COLUMN INCH AND THE OTHER CONTRACT FOR A “12X COMMITMENT” BUSINESS PACKAGE ADVERTISING PLAN “D”, AT A STANDARD AD SIZE AVERAGE RATE OF $29.46 PER COLUMN INCH AND AUTHORIZING THE CITY MANAGER TO EXECUTE BOTH CONTRACTS

WHEREAS, the City of Modesto is currently using the Modesto Bee (McClatchy Newspaper Group) as its primary advertising source for its advertising requirements, and

WHEREAS, the advertising services are required for classified and legal advertisements as required by law, and for retail advertisements for public information purposes, and

WHEREAS, in May of 2002 Council directed staff to consolidate the procurement of advertising through a central source in order to obtain the best contractual pricing available for the City, and

WHEREAS, Council has also requested that the annual retail advertising contracts be put in place to coincide with the fiscal year calendar, and

WHEREAS, the City’s Purchasing Manager annually meets with the Modesto Bee and based on advertising volume commitments over the prior year identifies two (2) retail contract options which would best meet the City’s retail advertising needs, and

WHEREAS, in June of 2005 staff went before Council with a recommendation to approve two (2) annual retail advertising contracts with the Modesto Bee to coincide with the fiscal year calendar, and
WHEREAS, in June of 2005, by Resolution No. 2005-322, Council approved both contracts and authorized the City Manager to sign the retail advertising contracts, and

WHEREAS, both retail contracts will expire on June 30, 2006, and

WHEREAS, staff once again met with the Modesto Bee to discuss what contract renewal options would be available to the City, and

WHEREAS, the Modesto Bee has agreed to renew both retail advertising contracts for another year based on the fiscal year calendar, and

WHEREAS, a price increase associated with the contract renewal will put the “non-profit no-commitment” contract rate at $50.87 per column inch, and

WHEREAS, this year the “12x-commitment business package” rate will once again include a single insertion in the Saturday Shopper and Vida with the average per column inch rate remaining at $29.46, and

WHEREAS, the Purchasing Manager has determined that a process other than the formal bid procedure will result in a procurement of advertising for the City at the lowest cost commensurate with the desired quality, as provided for in MMC 8-3.204(d), and

WHEREAS, once signed, both advertising contracts shall be implemented and tracked by the City’s Purchasing Manager, and with the City’s Public Information Technician assisting departments with their advertising needs,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves two (2), twelve (12) month retail advertising contracts with the Modesto Bee (McClatchy Newspaper Group), to coincide with the fiscal year calendar, consisting of one contract for a 500 column inch “no-commitment” non-profit rate at
$50.87 per column inch and the other contract for a “12x-commitment” business package advertising plan “D” at an average rate of $29.46 per column inch, based on a standard 2x5 inch ad size run three (3) times in the Bee, combined with one-time insertions in both the Saturday Shopper and Vida as outlined in plan “D”.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of June 2006, by Councilmember Hawn, 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, 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. 2006-390

A RESOLUTION APPROVING A THREE (3) YEAR WALK-IN PAYMENT SERVICES AGREEMENT BETWEEN THE CITY OF MODESTO AND CHECKFREEPAY CORPORATION, AND AUTHORIZING THE CITY MANAGER TO EXECUTE SAID CONTRACT

WHEREAS, in October, 2003, the City of Modesto entered into an agreement with CheckFreePay for electronic processing of utility payments made at designated pay stations, and

WHEREAS, the Customer Service Division of the City of Modesto Finance Department desires to renew a three (3) year agreement with CheckFreePay for electronic utility pay station collection and remittal services, and

WHEREAS, CheckFreePay Corporation's designated pay station agents collect and electronically remit approximately 6,500 City of Modesto utility payments each month providing convenient citywide pay stations where citizens may pay their City of Modesto utility bills, and

WHEREAS, the Council of the City of Modesto is required to approve all contractual agreements that may exceed $50,000 in fees for contracted services,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a three (3) year Walk-In Payment Processing Services Agreement between the City of Modesto and CheckFreePay Corporation to provide electronic pay station collection and remittance processing services.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute said contract.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of June 2006, by Councilmember Hawn, 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, 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 AUTHORIZING THE FINANCE DEPARTMENT TO PURCHASE QUERY REPORTING SOFTWARE FROM SUNGARD, HTE, A SOLE SOURCE VENDOR, FOR UTILITY BILLING AND COLLECTION SERVICES, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE SOFTWARE LICENSE AND SERVICES AGREEMENT

WHEREAS, the City of Modesto, Finance Department, Customer Service Division is tasked with the responsibility of managing, providing and distributing a large amount of utility billing and consumption data to various entities including other City departments, and

WHEREAS, following the 1999 installation of the current utility billing software system an alternative reporting tool, Crystal Reports, was chosen as the Citywide standard. Consequently, the Finance Department requires the assistance of an outside consultant to extract data from this reporting system, and

WHEREAS, the Query Reporting Software available from Sungard, HTE, will provide a technical tool to query data and quickly create professional reports without external assistance,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the purchase of the Query Reporting Software from Sungard HTE, a sole source vendor, in the amount of $34,000.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Software License and Services Agreement.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of June 2006, by Councilmember Hawn, 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, 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 AMENDING THE BUDGET TO APPROPRIATE WATER, WASTEWATER AND GENERAL FUNDS IN ORDER TO PAY FOR THE COST OF A NEW UTILITY DATA EXTRACTION PROGRAM FROM SUNGARD HTE

WHEREAS, the City Council has approved the purchase of the Query Reporting (Q-Rep) software program for the purpose of supporting utility system data extraction using city staff, and

WHEREAS, the cost of the new software, including installation and training is $34,000.00 and is allocable to the water and wastewater utility funds, and

WHEREAS, a new appropriation from water and wastewater fund reserves is needed to provide sufficient resources within the General Fund to pay for the cost of the new software,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes amending the budget as shown in Attachment A to this resolution, which is incorporated herein by reference.

BE IT FURTHER RESOLVED that the Finance Director, or his designee, is hereby directed 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 27th day of June 2006, by Councilmember Hawn, 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, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED AS TO FORM:

BY:  
SUSANA ALCALA WOOD, City Attorney

ATTEST:  
JEAN MORRIS, City Clerk
### Water Enterprise Fund:

**Reserves:**
Retained Earnings 06-6100-800-8000-8003  
($17,000.00)

**Expenditures:**
City Forces Labor 06-6100-440-5099-0255  
$17,000.00

### Wastewater Enterprise Fund:

**Reserves:**
Retained Earnings 06-6210-800-8000-8003  
($17,000.00)

**Expenditures:**
City Forces Labor 06-6210-440-5299-0255  
$17,000.00

### General Fund

**Revenue:**
Service Credit Revenue 06-0100-120-1223-4909  
$34,000.00

**Expenditure:**
06-0100-120-1223-5400  
$34,000.00
MODESTO CITY COUNCIL
RESOLUTION NO. 2006-393

A RESOLUTION APPROVING COLLECTION SERVICE CONTRACT BETWEEN THE CITY OF MODESTO AND ACCESS CAPITAL SERVICES, INC., AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE CONTRACT

WHEREAS, the Customer Service Division of the City of Modesto Finance Department desires to enter into collection service contract with Access Capital Services, Inc. for delinquent receivables, and

WHEREAS, the Finance Department currently has no contracted services for collection of delinquent receivables, and

WHEREAS, on March 25, 2005, an RFP was issued to agencies which focus on collections for government entities and provide enhanced technology services, and

WHEREAS, out of the four (4) proposals received, Access Capital Services, Inc., was found most qualified to meet the City’s collection needs offering lower collection rates, advanced technology and experience with government agencies and court collections, and

WHEREAS, the Council of the City of Modesto is required to approve all contractual agreements that may exceed $50,000 in fees for contracted services, and

WHEREAS, on August 10, 2005, the Finance Committee recommended approval of said contract and supported its presentation to full Council,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the collection service contract between the City of Modesto and Access Capital Services, Inc.
BE IT FURTHER RESOLVED that the City Manager or his designee, is hereby authorized to execute said contract.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of June 2006, by Councilmember Hawn, 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, 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. 2006-394

A RESOLUTION APPROVING THE FY 2006-2007 BUDGET FOR THE
STANISLAUS RESOURCE RECOVERY ("WASTE-TO-ENERGY") FACILITY

WHEREAS, on December 17, 1985, the City of Modesto and County of Stanislaus entered into an agreement for administration of the City/County Service Agreement with the Stanislaus Waste Energy Company (now Covanta Stanislaus) for supply and acceptance of solid waste, and

WHEREAS, since that time, the City has been a partner with Stanislaus County and Covanta Stanislaus in the Stanislaus Resource Recovery Facility (the “Waste-to-Energy” or “WTE” Facility), and

WHEREAS, the Agreement established a Solid Waste-to-Energy Executive Committee (“Executive Committee”), which prepares an annual budget for each fiscal year, and submits said annual budget to the City Council and Board of Supervisors for approval by August 1st of a year, and

WHEREAS, said Executive Committee may also recommend adjustments to an approved annual budget as necessary to provide sufficient funding for project activities, and

WHEREAS, the Fiscal Year 2006-07 WTE budget was based on the Assumptions, Revenues, Expenditures and Tip Fee Calculation shown on Attachment A, a copy of which is attached hereto and incorporated herein by reference, and

WHEREAS, at its May 11, 2006, meeting, the Executive Committee also considered the proposed FY 2006/2007 Budget as shown on Attachment B, a copy of which is attached hereto and incorporated herein by reference, and the Executive
Committee unanimously approved forwarding this proposed FY 2006-2007 Budget to the Modesto City Council and the Stanislaus County Board of Supervisors for approval,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves the FY 2006-2007 Waste-to-Energy Project Budget, a copy of which is attached hereto as Attachment B and incorporated herein by reference, as recommended by the Executive Committee.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of June 2006, by Councilmember Hawn, 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, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

JEAN MORRIS, City Clerk

APPROVED AS TO FORM:

By 

SUSANA ALCALA WOOD, City Attorney
### Assumptions, Revenues, Expenditures, and Tip Fee Calculation

**Fiscal Year Ending June 30,**

### Assumptions
- **Solid Waste Delivered (tons):** 270,000, 255,000, 260,000, 260,000, 260,000, 260,000, 260,000, 260,000
- **Ferrous Metals (tons):** 5,300, 5,300, 5,300, 5,300, 5,300, 5,300, 5,300, 5,300
- **Solid Waste Processed (tons):** 270,000, 255,000, 260,000, 260,000, 260,000, 260,000, 260,000, 260,000
- **KWh per ton:** 525, 525, 525, 525, 525, 525, 525, 525
- **Net Electricity Generated (mWh):** 141,750, 133,875, 136,500, 136,500, 136,500, 136,500, 136,500, 136,500
- **Price per kWh:** $0.05370, $0.05370, $0.06840, $0.06515, $0.06580, $0.06580, $0.06645, $0.06645
- **Revenue from Electricity Sales:** $7,811,975, $7,189,088, $7,330,050, $8,804,250, $8,892,263, $8,981,215, $9,071,028
- **Total Gross Electric Revenues:** $10,885,319, $10,426,432, $10,603,384, $12,077,294, $12,165,637, $12,254,359, $12,344,372

### Ash Disposal Price per Ton
- $16.00, $16.00, $16.00, $16.00, $16.00, $16.00, $16.00

### Ash Production (% of solid waste processed)
- 28.70%, 31.10%, 31.10%, 31.10%, 31.10%, 31.10%, 31.10%

### Process Rejects (% of solid waste processed)
- 0.023%, 0.023%, 0.023%, 0.023%, 0.023%, 0.023%, 0.023%

### Ferrous Metals ($/ton)
- $5.00, $5.00, $5.00, $5.00, $5.00, $5.00, $5.00, $5.00

### Property Tax Rate
- 1.000%, 1.000%, 1.000%, 1.000%, 1.000%, 1.000%, 1.000%

### Assessed Value
- $69,126,400, $70,508,928, $71,919,107, $71,919,107, $71,919,107, $71,919,107, $71,919,107

### C&M/Enery/Sales Tax Inflator
- 3.500%, 3.500%, 3.500%, 3.500%, 3.500%, 3.500%

### Insurance/Air Per mit/Carbon Expense Inflator
- 1.000%, 1.000%, 1.000%, 1.000%, 1.000%, 1.000%

### Bond/DSRF Interest Rate
- 0.930%, 3.300%, 3.000%, 4.000%, 4.000%, 4.000%

### Principal Account Interest Earnings Rate
- 1.770%, 2.500%, 4.000%, 3.750%, 3.750%

### Liquidity Fee
- 0.245%, 0.350%, 0.20%, 0.195%

### Remarketing Fee
- 0.060%, 0.060%, 0.060%, 0.060%

### Pass-Through Costs

<table>
<thead>
<tr>
<th>Year</th>
<th>Cash Flow</th>
<th>2004</th>
<th>2005</th>
<th>2006</th>
<th>2007</th>
<th>2008</th>
<th>2009</th>
<th>2010</th>
</tr>
</thead>
</table>
| Cash
| Cash Disposal | $1,239,840 | $1,239,840 | $1,239,840 | $1,239,840 | $1,239,840 | $1,239,840 | $1,239,840 |
| Principal Account Interest Earnings | $448,981 | $212,242 | $201,578 | $216,508 | $218,673 | $218,673 | $218,673 |
| Cumulative Par | $118,280 | $152,758 | $73,652 | $61,313 | $48,209 | $34,262 | $13,538 |
| Service Expense | $198,000 | $198,000 | $198,000 | $198,000 | $198,000 | $198,000 | $198,000 |
| Total Par | $198,000 | $212,242 | $201,578 | $216,508 | $218,673 | $218,673 | $218,673 |
| Total Cash | $1,739,820 | $1,266,060 | $1,228,224 | $1,263,229 | $1,258,579 | $1,258,579 | $1,258,579 |
| Non-Cash Items
| Non-Cash Expenses | $0 | $0 | $0 | $0 | $0 | $0 | $5,878,000 |
| Total Non-Cash Items | $0 | $0 | $0 | $0 | $0 | $0 | $5,878,000 |
| Total Item | $1,739,820 | $1,266,060 | $1,228,224 | $1,263,229 | $1,258,579 | $1,258,579 | $1,258,579 |

### Total Pass-Through Costs
- $3,171,328, $3,092,276, $3,576,748, $3,589,108, $3,607,813, $3,626,874, $3,946,399

### Bond Principal Payment Due January 1st
- $3,665,000, $5,600,000, $6,150,000, $6,550,000, $6,935,000, $7,370,000, $13,885,000

### Cumulative Principal Payments
- $12,258,000, $17,095,000, $24,856,000, $30,500,000, $37,928,000, $44,895,000, $59,780,000

### Cushtanding Par
- $48,277,581, $43,645,143, $37,770,000, $31,142,600, $24,722,600, $17,570,000, $6,842,900

### Bond Interest Expense
- $448,981, $1,440,290, $1,133,100, $1,257,704, $898,904, $702,800, $277,704

### Liquidity Fee
- $118,280, $152,758, $73,652, $61,313, $48,209, $34,262, $13,538

### Remarketing Fee
- $28,967, $26,187, $22,662, $18,866, $14,834, $10,542, $4,166

### DSRF Interest Earnings
- $54,565, $183,974, $176,340, $235,120, $235,120, $235,120, $117,560

### Principal Account Interest Earnings
- $1,037, $86,063, $93,581, $99,188, $105,656, $134,981, $90,079

### Use of DSRF to Pay Debt Service
- $0, $0, $0, $0, $0, $0, $5,878,000

### Net Debt Service Expense
- $4,205,525, $9,030,198, $7,109,402, $7,508,575, $7,846,171, $7,747,503, $6,004,769

**Attachment A**
### Annual Administrative Expenses

<table>
<thead>
<tr>
<th>Category</th>
<th>2004</th>
<th>2005</th>
<th>2006</th>
<th>2007</th>
<th>2008</th>
<th>2009</th>
<th>2010</th>
</tr>
</thead>
<tbody>
<tr>
<td>Communications</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Maintenance</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Memberships (IEPA)</td>
<td>$0</td>
<td>$15,000</td>
<td>$15,500</td>
<td>$20,500</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Rebates &amp; Refunds (Arbitrage Liability)</td>
<td>$0</td>
<td>$303,247</td>
<td>$100,000</td>
<td>$100,000</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Office Supplies</td>
<td>$0</td>
<td>$0</td>
<td>$200</td>
<td>$500</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Books/Periodicals</td>
<td>$0</td>
<td>$0</td>
<td>$200</td>
<td>$500</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>(Leg. Lobbyist, Audits, FA's, Energy Consultant)</td>
<td>$84,234</td>
<td>$44,129</td>
<td>$169,000</td>
<td>$200,000</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Contracts</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Engineering Services (Consulting Eng.)</td>
<td>$13,500</td>
<td>$0</td>
<td>$500</td>
<td>$150,000</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>City of Modesto Admin.</td>
<td>$170,000</td>
<td>$192,380</td>
<td>$213,000</td>
<td>$223,000</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
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<tr>
<td>Legal Services (outside Counsel)</td>
<td>$105,346</td>
<td>$14,266</td>
<td>$150,000</td>
<td>$100,000</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Public/Legal Notices</td>
<td>$0</td>
<td>$0</td>
<td>$200</td>
<td>$200</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Rent/Equipment</td>
<td>$0</td>
<td>$100</td>
<td>$7,500</td>
<td>$7,500</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Rent/Structure</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Education/Training</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Travel Expenses (Wte conf.)</td>
<td>$0</td>
<td>$100</td>
<td>$7,500</td>
<td>$7,500</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Central Services Printing</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>County Counsel</td>
<td>$3,981</td>
<td>$3,767</td>
<td>$20,000</td>
<td>$20,000</td>
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<tr>
<td>County Auditor</td>
<td>$400</td>
<td>$110</td>
<td>$130</td>
<td>$70</td>
<td>$0</td>
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<td>$0</td>
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<tr>
<td>County Purchasing</td>
<td>$245</td>
<td>$147</td>
<td>$210</td>
<td>$90</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
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<tr>
<td>County Stores</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>County Admin. (incl. project position)</td>
<td>$17,249</td>
<td>$119,657</td>
<td>$284,000</td>
<td>$304,300</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>A-87 Charges</td>
<td>$0</td>
<td>$250</td>
<td>$235</td>
<td>-$129</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Office Equipment</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Personal Computer Equipment</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Transfers Out; HHW and AB939 surcharges</td>
<td>$810,000</td>
<td>$682,217</td>
<td>$210,000</td>
<td>$810,000</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Total Administrative Expenses</td>
<td>$1,545,240</td>
<td>$1,827,170</td>
<td>$1,060,551</td>
<td>$2,097,416</td>
<td>$2,077,074</td>
<td>$2,150,393</td>
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</tr>
</tbody>
</table>

### Electric Credit

<table>
<thead>
<tr>
<th>Category</th>
<th>2004</th>
<th>2005</th>
<th>2006</th>
<th>2007</th>
<th>2008</th>
<th>2009</th>
<th>2010</th>
</tr>
</thead>
<tbody>
<tr>
<td>90% of Gross Electric Revenues</td>
<td>$9,786,787</td>
<td>$9,416,168</td>
<td>$9,543,055</td>
<td>$10,869,835</td>
<td>$10,849,073</td>
<td>$11,029,103</td>
<td>$11,109,934</td>
</tr>
<tr>
<td>90% of PG&amp;E Late Payment @ 5.00%</td>
<td>$7,015,194</td>
<td>$6,756,235</td>
<td>$6,766,760</td>
<td>$6,766,660</td>
<td>$6,766,660</td>
<td>$6,766,660</td>
<td>$6,766,660</td>
</tr>
<tr>
<td>Total Electric Credit</td>
<td>$17,001,981</td>
<td>$16,162,393</td>
<td>$17,309,815</td>
<td>$17,615,595</td>
<td>$17,595,733</td>
<td>$17,795,763</td>
<td>$17,866,594</td>
</tr>
</tbody>
</table>

### Service Fee/RPA/Tipping Fee

<table>
<thead>
<tr>
<th>Category</th>
<th>2004</th>
<th>2005</th>
<th>2006</th>
<th>2007</th>
<th>2008</th>
<th>2009</th>
<th>2010</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gross Service Fee</td>
<td>$132,923</td>
<td>$11,600,256</td>
<td>$13,461,072</td>
<td>$13,031,479</td>
<td>$13,566,669</td>
<td>$14,060,843</td>
<td>$14,829,748</td>
</tr>
<tr>
<td>Gross Tipping Fee</td>
<td>$1</td>
<td>$46</td>
<td>$52</td>
<td>$50</td>
<td>$52</td>
<td>$54</td>
<td>$57</td>
</tr>
<tr>
<td>Beginning RRA Balance</td>
<td>$35,676,620</td>
<td>$42,726,182</td>
<td>$38,600,158</td>
<td>$33,070,003</td>
<td>$27,788,083</td>
<td>$21,773,463</td>
<td>$16,029,126</td>
</tr>
<tr>
<td>(Use) of RRA to Stabilize Tipping Fee</td>
<td>$931,476</td>
<td>$1,381,633</td>
<td>$1,540,006</td>
<td>$1,240,469</td>
<td>$1,042,053</td>
<td>$816,506</td>
<td>$583,902</td>
</tr>
<tr>
<td>Ending RRA Balance</td>
<td>$42,726,182</td>
<td>$38,600,158</td>
<td>$33,070,003</td>
<td>$27,788,083</td>
<td>$21,773,463</td>
<td>$16,029,126</td>
<td>$16,029,126</td>
</tr>
<tr>
<td>Disposals from WTE</td>
<td>$57,500,000</td>
<td>$5,610,000</td>
<td>$6,500,000</td>
<td>$6,500,000</td>
<td>$6,500,000</td>
<td>$6,500,000</td>
<td>$6,500,000</td>
</tr>
<tr>
<td>Net Tipping Fee Before Surcharge</td>
<td>$26,000</td>
<td>$22,000</td>
<td>$22,000</td>
<td>$22,000</td>
<td>$22,000</td>
<td>$22,000</td>
<td>$22,000</td>
</tr>
<tr>
<td>AB 039 Program Implementation Fee</td>
<td>$3,000</td>
<td>$3,000</td>
<td>$3,000</td>
<td>$3,000</td>
<td>$3,000</td>
<td>$3,000</td>
<td>$3,000</td>
</tr>
<tr>
<td>Tipping Fee</td>
<td>$26,000</td>
<td>$25,000</td>
<td>$25,000</td>
<td>$25,000</td>
<td>$25,000</td>
<td>$25,000</td>
<td>$25,000</td>
</tr>
</tbody>
</table>
### Expenditures

<table>
<thead>
<tr>
<th>Category</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Operatings &amp; Maintainence Expense</td>
<td>$10,804,100</td>
</tr>
<tr>
<td>Total Pass-Through Costs</td>
<td><strong>$3,599,108</strong></td>
</tr>
</tbody>
</table>

#### Debt Service Expense
- Bond Principal Payment Due January 1st: $6,505,000
- Bond Interest Expense: $1,257,704
- Liquidity Fee: $61,313
- Remarking Fee: $18,866
- DSRF Interest Earnings: $236,120
- Principal Account Interest Earnings: $99,188

**Net Debt Service Expense**: **$7,508,575**

#### Annual Administrative Expenses
- O-Communications: 0
- O-Maintenance: 0
- O-Memberships (IEPA): $20,500
- 62410-Rebates & Refunds (Arbitrage Liability): $100,000
- 62500-Office Supplies: 500
- 62780-Books/Periodicals: 500
- 63000-Professional & Special Services: $200,000
- (Leg. Lobbyist, Audits, F/A's, Energy Consultant)
- 63280-Contracts: 0
- 63400-Engineering Services (Consulting Eng.): 150,000
- 63410-City of Modesto Admin.: 223,000
- 63540-Legal Services (outside Counsel): 100,000
- 65000-Public/Legal Notices: 200
- 65100-Rent/Equipment: 0
- 65300-Rent/Structure: 0
- 65780-Education/Training: 3,000
- 67040-Travel Expenses (Wte conf.): 7,500
- 74080-Central Services Printing: 0
- 74250-County Counsel: 20,000
- 74301-County Auditor: 70
- 74302-County Purchasing: 50
- 74370-County Stores: 0
- 74520-County Admin. (incl. project position): 304,300
- 74381-A-87 Charges: -129
- 82130-Office Equipment: 0
- 84420-Personal Computer Equipment: 0
- 73010-Contributions to other agencies (HHW and AB939 surcharges): 810,000

**Total Administrative Expenses**: **$1,939,521**

#### Total Expenditure
<table>
<thead>
<tr>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>$23,801,314</strong></td>
</tr>
</tbody>
</table>

### Revenues

<table>
<thead>
<tr>
<th>Category</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Electric Credit</td>
<td></td>
</tr>
<tr>
<td>Revenue from Electricity Sales</td>
<td>$6,804,250</td>
</tr>
<tr>
<td>Fixed Capacity Charge</td>
<td>$3,272,344</td>
</tr>
<tr>
<td>Gross Electric Revenues</td>
<td>$12,076,594</td>
</tr>
<tr>
<td>90% of Gross Electric Revenues</td>
<td>$10,869,835</td>
</tr>
</tbody>
</table>

**Total Electric Credit**: **$10,869,835**

#### Disposal Fees
- **$6,500,000**

#### Misc. Reimbursements
- **$-**

#### Use of RRA Fund Balance
- **$6,531,479**

#### RRA Interest Earnings (revert to Reserves)
- **$1,240,466**

**Total Revenue**: **$23,801,314**
MODESTO CITY COUNCIL
RESOLUTION NO. 2006-395

A RESOLUTION APPROVING THE INSTALLATION OF AN ELECTRONIC OUTDOOR MESSAGE BOARD ONTO AN OUTSIDE WALL OF THE REMODELED MADDUX YOUTH CENTER AT 615 SIERRA DRIVE

WHEREAS, Acme Construction Company of Modesto has been working on the Maddux Youth Center $2.3 million Remodel/Addition project for the past ten months, and

WHEREAS, the finishing touches are being applied to the interior walls and ceilings, with completion expected by in mid-June, 2006, and

WHEREAS, staff has determined that due to the expanded programming that will be facilitated at the new Center, a new outdoor electronic message board is needed to advise of upcoming events, classes and activities, and

WHEREAS, the building contractor has been asked to provide a 3-foot tall by 9-foot wide electronic, programmable message board, mounted to the exterior of the 3rd Street side of the building, and

WHEREAS, this message board will be lighted and will follow current Municipal Code regulations by being programmed to change copy no more frequently than (5) second intervals,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves the installation of an electronic outdoor message board onto an outside wall of the remodeled Maddux Youth Center at 615 Sierra Drive.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of June 2006, by Councilmember Hawn, 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, 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. 2006-396

A RESOLUTION APPROVING AN AMENDMENT TO TWO (2) PROMISSORY NOTICES BETWEEN THE CITY OF MODESTO AND STANISLAUS COUNTY AFFORDABLE HOUSING, INC. (STANCO) TO CHANGE THE TERMS OF THE PROMISSORY NOTES FOR THE CARVER ESTATES PROJECT AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AMENDMENTS TO THE PROMISSORY NOTES

WHEREAS, the City of Modesto provided two HOME loans to STANCO for the development of Carver Estates, consisting of eighteen (18) affordable apartment units, fourteen (14) units of which are for low-income households and four (4) units are for very low-income households, and

WHEREAS, on November 23, 2005, STANCO submitted an official letter to the City of Modesto indicating that the loan terms, in effect, make STANCO appear unbankable and unable to carry on its mission of developing more affordable housing, and

WHEREAS, this condition is due to the accounting principle that, although the interest of these loans is deferred for 25 years under the terms of both agreements, STANCO is required to book the interest of both loans causing STANCO’s financial picture to appear insolvent, and

WHEREAS, STANCO is requesting a change in the terms of the promissory note for both loans executed by STANCO, and

WHEREAS, staff is hesitant to waive the interest in total since future program income could be lost and such action could trigger similar requests by other agencies, further affecting program income and future development of affordable housing, and
WHEREAS, staff understands STANCO’s position, however, staff recommended to the CH&CDC that the Carver Estates loans be amended so that interest charges would not accrue for ten (10) years, and

WHEREAS, at its December 9, 2005, meeting, the CH&CDC accepted staff recommendations to defer the interest on the Carver Estates loans for 10 years,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an amendment to two (2) promissory notes between the City of Modesto and Stanislaus County Affordable Housing, Inc. to change the terms of the promissory notes for the Carver Estates project to provide for deferral on interest charges for the first ten (10) years of each loan and directs that such amendments be made to each promissory note.

BE IT FURTHER RESOLVED that said loans shall not accrue interest for the first ten (10) years of each loan.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the amended promissory notes.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of June 2006, by Councilmember Hawn, 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, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Approved as to form:

By: SUSANÁ ALCALA WOOD, City Attorney

Attest: JEAN MORRIS, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2006-397

A RESOLUTION APPROVING AN AMENDMENT TO THE HOME LOAN AGREEMENT AND PROMISSORY NOTE FOR A LOAN OF $933,600 FOR THE CONSTRUCTION OF 20 AFFORDABLE RENTAL UNITS IN THE VILLAGE ONE TOWN CENTER HOUSING PROJECT (PREVIOUSLY KNOWN AS BELHARBOR ESTATES) AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AMENDMENT TO THE HOME AGREEMENT AND PROMISSORY NOTE

WHEREAS, in fiscal year 2002-2003, the City of Modesto loaned $245,000 to the Housing Authority to fund project pre-development costs for affordable housing in Village I, and

WHEREAS, the City pledged $933,600, 80% of that year’s HOME funds, for the construction of this project, and

WHEREAS, since the last update to the Council, the project description for the Village One multi-family housing has changed, and

WHEREAS, the Loan Agreement has several provisions which have not been met due to circumstances beyond the control of the Housing Authority, and

WHEREAS, the Housing Authority of the County of Stanislaus is requesting that the City grant the Housing Authority an extension of time under the provisions of the agreement, and

WHEREAS, the Housing Authority is also requesting that the amount of the permanent loan be reduced from $5,100,000 to $1,350,000, and

WHEREAS, at its June 23, 2006, meeting, the Citizens Housing and Community Development (CH&CDC) will consider staff recommendations amend the loan agreement and promissory note to reflect these changes, and
WHEREAS, staff will provide Council with any comments and concerns that are brought forth at the CH&CDC meeting,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves an amendment to the HOME Loan Agreement and Promissory Note for a loan of $933,000 for the construction of 20 affordable rental units in the Village One Town Center Housing project.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of June 2006, by Councilmember Hawn, 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, 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
A RESOLUTION CONFIRMING THE APPROVAL BY COUNCIL RESOLUTION NO. 2004-564 OF A SECOND HOME INVESTMENT PROGRAM LOAN FOR $1,030,791 FOR THE CONSTRUCTION 20 AFFORDABLE RENTAL UNITS IN THE VILLAGE ONE TOWN CENTER HOUSING PROJECT AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE HOME LOAN AGREEMENT AND RELATED LOAN DOCUMENTS

WHEREAS, on October 26, 2004, the City Council, by Resolution No. 2004-564, approved an additional allocation of $1,030,791 from Fiscal Year 2004-2005 HOME funds to the Housing Authority of the County of Stanislaus for the development of the Village One multi-family housing project, and

WHEREAS, at that time, staff submitted a report indicating that this project will add 50 affordable rental units to the City’s housing stock, and

WHEREAS, since the last update to the Council, the project description for the Village One multi-family housing has changed, and

WHEREAS, due to the delays in the project, an agreement for the allocation of funds approved in Resolution No. 2004-564 has not been executed, and

WHEREAS, staff is now requesting that the City Council confirm the allocation of these funds, and

WHEREAS, at its June 23, 2006, meeting, the Citizens Housing and Community Development (CH&CDC) will consider staff recommendations for the loan agreement and related loan documents to reflect these changes, and

WHEREAS, staff will provide Council with any comments and concerns that are brought forth at the CH&CDC meeting,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby confirms the approval by Council Resolution No. 2004-564 of a second construction HOME loan for $1,030,791 for the construction 20 affordable rental units in the Village One Town Center Housing project.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the HOME Loan Agreement and related documents.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of June 2006, by Councilmember Hawn, 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, 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
A RESOLUTION APPROVING AN AGREEMENT WITH SYLVAN UNION SCHOOL DISTRICT IN THE AMOUNT OF $48,194 FOR THE PROVISION OF ONE HALF OF A MODESTO POLICE OFFICER/SCHOOL RESOURCE OFFICER (SRO) SALARY AND BENEFITS TO PROVIDE DIRECT LAW ENFORCEMENT SERVICES, EXPERTISE AND TRAINING, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the Sylvan Union School District (District) requires one Modesto Police Officer/School Resource Officer (SRO) to provide direct law enforcement services, Campus Supervisor training, in services, and consultations with site staff and District administrators, and liaison between Modesto Police Department and Sylvan Union Schools, and

WHEREAS, the Modesto Police Department can provide a specially trained, uniformed police officer and take any enforcement action at the school site, if warranted, and

WHEREAS, the officer’s presence with the students provides mentoring and protection of youth in our community, and

WHEREAS, the term of this agreement is September 1, 2006 to June 15, 2007, and

WHEREAS, the Sylvan Union School District and Modesto Police Department would like to continue the 50/50 partnership to share the cost to fund a Modesto Police Officer/SRO at the schools in the Sylvan Union School District, and

WHEREAS, Sylvan Union School District will reimburse the City of Modesto $48,194 for the services of one half a Modesto Police Officer’s salary and benefits,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the agreement between the City of Modesto and the Sylvan Union School District in the amount of $48,194.

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 27th day of June 2006, by Councilmember Hawn, 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, 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. 2006-400

A RESOLUTION APPROVING AN AGREEMENT WITH MODESTO CITY SCHOOLS IN THE AMOUNT OF $446,428 FOR THE PROVISION OF NINE MODESTO POLICE OFFICERS/SCHOOL RESOURCE OFFICERS (SROs) TO PROVIDE CAMPUS SUPERVISOR TRAINING, IN SERVICES, AND CONSULTATIONS WITH SITE STAFF AND DISTRICT ADMINISTRATORS, AND LIAISON BETWEEN MODESTO POLICE DEPARTMENT AND MODESTO CITY SCHOOLS, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, Modesto City Schools requires nine Modesto Police Officers to provide prevention, intervention, and enforcement services to students, families and staff at Beyer, Davis, Downey, Johansen, Enochs and Modesto High Schools, and Elliott Alternative Education Center, Mark Twain and Roosevelt Junior High Schools, and

WHEREAS, the Modesto Police Department can provide specially trained, uniformed police officers to provide Campus Supervisor training, in services, and consultations with site staff and District administrators, and

WHEREAS, the Modesto Police Officers can act as a liaison between Modesto Police Department and Modesto City Schools, and

WHEREAS, Police Officers can direct law enforcement action at the district school sites, if warranted, and

WHEREAS, the officers’ presence with the students provides mentoring and protection of youth in our community, and

WHEREAS, the term of this agreement is July 1, 2006, to June 30, 2007, and

WHEREAS, the City shall be compensated $446,428 for the services of nine Modesto Police Officers, one 12-month officer at $60,876 and eight 9.5 month officers at $385,552,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the agreement between the City of Modesto and Modesto City Schools in the amount of $446,428 to provide nine Modesto Police Officers at Beyer, Davis, Downey, Johansen, Enochs and Modesto High Schools, and Elliott Alternative Education Center, Mark Twain and Roosevelt Junior High Schools.

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 27th day of June 2006, by Councilmember Hawn, 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, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Morris, City Clerk

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney