A RESOLUTION APPROVING THE CITY OF MODESTO DRAFT 2006-2007 HUD ANNUAL ACTION PLAN, AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO SIGN THE REQUIRED CERTIFICATION AND DOCUMENTS FOR SUBMITTAL TO THE DEPARTMENT OF HOUSING AND URBAN DEPARTMENT (HUD)

WHEREAS, the City of Modesto receives Community Development Block Grant (CDBG), HOME Investment Partnership Grant (HOME), and Emergency Shelter Grant (ESG) funds from the U. S. Department of Housing and Urban Development (HUD), and

WHEREAS, the City receives these grants annually because of its population size, number of households living below the poverty line, and the number of housing units that are considered substandard, and

WHEREAS, submittal of an Annual Action Plan is required to receive the City’s entitlement grants from HUD, and

WHEREAS, the Citizens Housing and Community Development Committee (CH&CDC) recommended support of this item at its April 21, 2006, meeting, and

WHEREAS, a duly noticed public hearing was held by the City Council at its meeting of May 9, 2006, to consider submission of an application to the U.S. Department of Housing and Development (HUD) pertaining to the 2006-2007 HUD Annual Action Plan, which describes how the City intends to spend Federal assistance received from HUD in the areas of Community Development, Housing Production and Homeless Assistance,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 2006-2007 HUD Annual Action Plan as presented to the Council for the
Community Development Block Grant (CDBG), HOME Investment Partnership Program (HOME) and the Emergency Shelter Grant (ESG), a copy of which is on file in the Office of the City Clerk, is hereby approved.

BE IT FURTHER RESOLVED that the City Manager, or his authorized designee, is hereby authorized to execute any and all documents necessary in relation to grant agreements, and City staff is hereby authorized to submit an application to the U.S. Department of Housing and Urban Development (HUD) pertaining to the 2006-2007 Annual Action Plan which describes how the City intends to spend Federal assistance received from HUD in the areas of Community Development, Housing Production and Homeless Assistance.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of May 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: Richard Rudnansky, Interim City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2006-295

A RESOLUTION AUTHORIZING THE TRANSFER OF FUNDS IN THE AMOUNT OF $450,000 FROM CAPITAL IMPROVEMENT PROJECTS #W361 (DOWNSTREAM IMPROVEMENTS), #W612 (GACS WELL TREATMENT WELLS 50 AND 303), #W718 (DEL VALLE TANK 7 VALVE/EQUIPMENT), AND WATER OPERATIONS ORGANIZATION #5013 (WELL SITE IMPROVEMENTS) TO CAPITAL IMPROVEMENT PROJECT #W376 (SOUTH MODESTO PUMP STATION) TO COVER ADDITIONAL PROJECT COSTS

WHEREAS, the South Modesto Water System Improvement Project budget was developed based on improvements identified in the West-Yost Study, and

WHEREAS, the budget prepared for this project included minimal electrical upgrades as estimated by the electrical engineer, and

WHEREAS, during the development of final specifications, staff realized the addition of two (2) pumps at each of the three (3) tank sites would exceed capacity of the available electrical services, and

WHEREAS, a full electrical engineering analysis to determine the necessary upgrades was required, and

WHEREAS, this analysis determined that two (2) of the well sites needed new power services from Turlock Irrigation District (TID) and all three well sites needed new controllers and switch boxes to manage the electrical loads, and

WHEREAS, in order to complete these projects prior to start of next peak water use season, staff ordered the pumps, electrical cabinets, and switching hardware needed for these upgrades, and

WHEREAS, the additional costs for these upgrades are approximately $450,000, and
WHEREAS, monies are available from three (3) active CIP projects: W361 for which work may be deferred ($150,000), W612 ($195,712) and W718 ($46,486) which projects are now complete and have cost savings, and from Water Operations Organization 5013 ($57,802) which also has recognized savings for fiscal year 2006, and

WHEREAS, these funds need to be transferred to CIP Project W376 (South Modesto Pump Station) which was previously established for additional work required by city forces,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the transfer of funds in the amount of $450,000 from Capital Improvement Projects #W361 (Downstream Improvements), #W612 (GACs Well Treatment Wells 50 and 303), #W718 (Del Valle Tank 7 Valve/Equipment), and Water Operations Organization #5013 (Well Site Improvements) to Capital Improvement Project #W376 (South Modesto Pump Station) to cover additional project costs.

BE IT FURTHER RESOLVED that City staff is hereby authorized to make the necessary budget adjustments in coordination with the Finance Department.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of May 2006, by Councilmember Keating, 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, Keating, Marsh, Olsen, Mayor Ridenour

NOES: Councilmembers: O'Bryant

ABSENT: Councilmembers: Hawn

ATTEST: 
JEAN MORRIS, City Clerk

APPROVED AS TO FORM:

By: RICHARD RUDNANSKY, Interim City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2006-296

A RESOLUTION APPOINTING SUSANA ALCALA WOOD TO THE POSITION OF MODESTO CITY ATTORNEY AND APPROVING EMPLOYMENT AGREEMENT

WHEREAS, the Modesto City Attorney is one of three charter officers under the City Charter of Modesto, and

WHEREAS, the City Council by charter is authorized to appoint the City Attorney, and

WHEREAS, former City Attorney Michael D. Milich has retired from his position as City Attorney, and

WHEREAS, the City Council has completed a selection process for a new City Attorney, and

WHEREAS, Susana Alcala Wood has been selected by the City Council to become the new City Attorney, and

WHEREAS, Susana Alcala Wood has accepted said selection, and

WHEREAS, the City Council of the City of Modesto and Susana Alcala Wood desire to agree to an employment contract for the position of City Attorney,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby appoints Susana Alcala Wood as the City Attorney for the City of Modesto effective June 12, 2006.

BE IT FURTHER RESOLVED that the Council approves the employment agreement attached hereto as Exhibit “A”.

05/23/06/City Attorney/R Rudnansky/Item 2

1

2006-296
BE IT FURTHER RESOLVED that the Council authorizes the Mayor to execute said employment agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of May 2006, by Councilmember Marsh, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Morris
JEAN MORRIS, City Clerk

APPROVED AS TO FORM:

By Richard Rudnasky, Interim City Attorney
EMPLOYMENT AGREEMENT

This agreement, made and entered into this 23rd day of May, 2006, by and between the CITY OF MODESTO, State of California, a municipal corporation, hereinafter called “CITY,” and Susana Alcala Wood, hereinafter referred to as “EMPLOYEE,” both of whom understand as follows:

RECITALS

WHEREAS, Section 900 of the CITY’s Charter provides that the City Attorney of Modesto, California (City Attorney), shall be appointed by and serve at the pleasure of the City Council of the City of Modesto (“COUNCIL”), and

WHEREAS, CITY desires to employ the services of EMPLOYEE as City Attorney of the City of Modesto as provided by said City Charter; and

WHEREAS, COUNCIL desires to employ EMPLOYEE as City Attorney and to provide certain benefits, establish certain conditions of employment and set working conditions of EMPLOYEE; and

WHEREAS, EMPLOYEE desires to serve as City Attorney; and

WHEREAS, it is the desire of the parties hereto to provide the terms and conditions by which CITY shall receive and retain the services of EMPLOYEE and to provide for her to remain in such employment, to act as a deterrent against malfeasance or dishonesty for personal gain on her part; and to provide for terminating her services at such time as she may be unable to fully discharge her duties or when Council may otherwise desire to terminate her employ.

SECTION 1. Duties

CITY hereby agrees to employ said Susana Alcala Wood as City Attorney of said CITY to perform the functions and duties specified in Section 902 of the Modesto City Charter and by
Article 2, Chapter 3, of Title II of the Modesto Municipal Code, and to perform other legally permissible and proper duties and functions as Council shall from time to time assign.

SECTION 2. Term

a. Effective June 12, 2006, EMPLOYEE shall fulfill the powers, functions and duties of City Attorney and shall serve in this capacity until such time as this agreement is terminated pursuant to Section 4, below.

b. Nothing in this agreement shall prevent, limit or otherwise interfere with the right of COUNCIL to terminate the services of EMPLOYEE at any time subject only to the provisions set forth in Section 4, below.

c. Nothing in this agreement shall prevent, limit or otherwise interfere with the right of EMPLOYEE to resign at any time from her position as City Attorney, subject only to the provisions as set forth in Section 4, below.

d. EMPLOYEE agrees to remain in exclusive employ of CITY, and neither to accept other employment or to become employed by any other employer until this agreement is terminated.

SECTION 3. Suspension

a. COUNCIL may suspend EMPLOYEE with full pay and benefits at any time during the term of this agreement, but only if:

(1) There are affirmative votes of four (4) members of COUNCIL for suspension and EMPLOYEE agrees; or

(2) After a public hearing, four (4) members of COUNCIL affirmatively vote to suspend EMPLOYEE for just cause provided, however, that EMPLOYEE shall have been
given written notice setting forth any charges at least ten (10) days prior to such hearing by 
COUNCIL members bring such charges.

SECTION 4. Termination and Severance

a. EMPLOYEE may terminate this Agreement, with or without cause, by giving the 
CITY sixty (60) days written notice in advance of termination unless the parties agree otherwise. 
During the notice period, all the rights and obligations of the parties under this agreement shall 
remain in full force and effect. EMPLOYEE will not receive any severance pay if 
EMPLOYEE’s resignation is solely voluntary on EMPLOYEE’s part.

b. The COUNCIL may terminate this Agreement upon affirmative votes of four (4) 
members of the COUNCIL, with or without cause. COUNCIL shall give EMPLOYEE a 
minimum of sixty (60) days written notice prior to terminating EMPLOYEE as City Attorney, 
provided however that if EMPLOYEE is terminated for cause as defined in this agreement, the 
sixty (60) day written notice requirement shall not apply and EMPLOYEE may be terminated 
effective immediately upon written notice.

c. If the COUNCIL discharges EMPLOYEE without cause during the term of this 
Agreement, and EMPLOYEE is willing and able to perform his duties under this Agreement, 
then EMPLOYEE shall be entitled to a severance payment equal to six (6) months of 
EMPLOYEE’s then current annual base salary. This provision will not apply in the event the 
COUNCIL discharges EMPLOYEE for cause, in which case EMPLOYEE will not be entitled to 
any severance payment or continuation of benefits. The determination of whether there is good 
cause for termination shall be in the sole discretion of the COUNCIL.

d. For purposes of this agreement, cause shall mean:

(1) Willful and repeated failure to perform the duties of City Attorney;
(2) Conviction of an employment-related illegal act;

(3) Conviction of a felony; or

(4) Malfeasance materially related to the job.

e. Notwithstanding the provisions of this section and in accordance with Article IX, Section 900 of the City Charter, COUNCIL shall not terminate this agreement during or within ninety (90) days next succeeding the election of a member of the COUNCIL.

SECTION 5. Disability

If EMPLOYEE is permanently disabled or is otherwise unable to perform her duties because of sickness, accident, injury, mental incapacity or health for a period of four (4) successive weeks beyond any accrued sick leave, COUNCIL shall have the option to terminate this agreement, subject to the severance pay requirements of Section 4, subparagraph (c).

However, EMPLOYEE shall be compensated for any accrued sick leave, vacation, holidays, and other accrued benefits including but not limited to long term disability. However, nothing in this provision is intended to be in conflict with the Family and Medical Leave Act, Government Code Section 12945.2. In the event that there is any unintentional conflict, the provisions of the Family and Medical Leave Act shall supersede this provision and apply.

SECTION 6. Salary

Effective the 12th day of June, 2006, CITY agrees to pay EMPLOYEE for her services rendered pursuant to this agreement an annual base salary of $144,000.00, payable in installments at the same time as other employees of CITY are paid.

SECTION 7. Other Supplemental Benefits

a. Vacation Leave. Upon the effective date of this agreement, EMPLOYEE shall be credited with one hundred and twenty (120) hours of vacation leave and commence accruing
vacation at the rate of one hundred sixty (160) hours during year one (1), one hundred sixty four (164) hours during year two (2), one hundred sixty eight (168) hours during year three (3) and one hundred seventy two (172) hours during year four (4). In recognition of EMPLOYEES’s seventeen (17) years of prior service in municipal government, EMPLOYEE shall accrue vacation at the maximum accrual rate of two hundred (200) hours annually after completion of four (4) years of service with CITY. This vacation accrual is in addition to the standard eighty (80) hours of Management Leave afforded annually to executives and charter officers. EMPLOYEE shall be credited with a pro-rata share of Management leave hours for calendar year 2006 hours, upon effective date of this agreement.

b. **Automobile.** EMPLOYEE’s functions and duties require that she shall have the use of an automobile during her employment with the CITY. CITY shall reimburse EMPLOYEE the monthly sum of $400 for the expense of owning, operating, and maintaining and insuring her personal automobile.

c. **Deferred Compensation.** CITY shall offer to EMPLOYEE the same 457 deferred compensation plan, and EMPLOYEE shall participate in the mandatory 401(a) plan and CITY contributions as provided to other charter officers.

d. **Other Benefits.** Employee and her dependents shall continue to be eligible for and receive such disability, health, and life insurance and sick leave as provided to other Management and Confidential employees of CITY. EMPLOYEE shall be credited with sixty (60) hours of sick leave upon commencement of employment. EMPLOYEE shall be included in the Public Employees’ Retirement System (PERS). CITY shall pay 6.6% of the “EMPLOYEE’s share” and the full “CITY contribution” on behalf of EMPLOYEE. All actions taken by COUNCIL relating to fringe benefits for employees for unrepresented management and
confidential employees shall be considered actions granting the same benefits to EMPLOYEE.

As used herein, fringe benefits include but are not limited to vacation, sick leave, holidays, retirement (PERS) benefits and payments, health insurance, dental insurance and life insurance. CITY shall also pay EMPLOYEE’s annual California State bar dues.

SECTION 8. Professional Development

In its discretion, COUNCIL shall budget for and pay travel and subsistence expenses of EMPLOYEE for professional and official travel, meetings, courses, institutes and seminars adequate to continue her professional development and to adequately pursue necessary official and other functions on behalf of the CITY, including but not limited to the annual conference of the League of California Cities and the annual League of California Cities City Attorney’s Department Conference.

SECTION 9. Indemnification

CITY shall defend, save harmless and indemnify EMPLOYEE against any tort, professional liability claim or demand or any other legal action, whether groundless or otherwise, arising out of any alleged act or omission occurring in the course and scope of performance of EMPLOYEE’s functions and duties. CITY may compromise and settle any claim or suit and shall pay the amounts of all settlements or judgments rendered against EMPLOYEE and/or CITY thereon.

SECTION 10. Performance Evaluation

a. COUNCIL shall review and evaluate EMPLOYEE’s performance at least once a year.

b. Annually, the COUNCIL may define such goals and performance objectives as COUNCIL determines necessary for the proper operation of CITY and the attainment of the
COUNCIL's policy objectives and may further establish a relative priority among those various goals and objectives, said goals and objectives to be reduced to writing. Said goals and objectives shall generally be attainable within the time limitations as specified in the annual operating and capital budgets and appropriations provided.

c. In effecting the provisions of this section, the COUNCIL and EMPLOYEE mutually agree to abide by the provisions of applicable law.

d. EMPLOYEE will timely cause to be placed on the COUNCIL agenda each year a "closed session" for purposes of her performance evaluation.

SECTION 11. Additional Term of Employment

COUNCIL, in consulting with EMPLOYEE, shall fix any such other terms and conditions of employment as it may determine from time to time relating to the performance of EMPLOYEE, provided that such terms and conditions are reduced to writing and included in an amendment to this agreement.

SECTION 12. Notices

Notices pursuant to this agreement shall be given by deposit in the custody of the United States Postal Service, postage pre-paid, addressed as follows, or as such address may be changed from time to time upon notice to the other:

CITY:                              EMPLOYEE:

Mayor                               Susana Alcala Wood
City of Modesto                     City Hall
City Hall                            P.O. Box 642
P.O. Box 642                         1010 10th Street
1010 10th Street                    Modesto, CA 95354
Modesto, CA 95354

Alternatively, notices required pursuant to this agreement may be personally served in the same manner as is applicable to civil judicial practice. Notice shall be deemed given as of the
date of personal service or as of the date of deposit of such written notice in the course of transmission in the United States Postal Services.


a. The text herein shall constitute the entire agreement between the parties.

b. This agreement shall be binding upon and inure to the benefit of the heirs at law and executors of EMPLOYEE.

c. This agreement shall become effective commencing the 12th day of June, 2006.

d. If any provision, or any portion thereof, contained in this agreement is held unconstitutional, invalid or unenforceable, the remainder of this agreement, or portion thereof, shall be deemed severable, shall not be affected, and shall remain in full force and effect.

IN WITNESS WHEREOF the CITY has caused this agreement to be signed and executed in its behalf by its Mayor, and duly attested by its City Clerk; and EMPLOYEE has signed and executed this agreement, both in duplicate, the day and year first above written, on May 23, 2006 and EMPLOYEE has caused this Agreement to be duly executed.

CITY:

By

Jim Ridenour
Mayor

EMPLOYEE:

By

Susana Alcala Wood
City Attorney

ATTEST:

By

Jean Morris, City Clerk
APPROVED AS TO FORM:

By

[Signature]

Richard R. Rudnansky
Attorney for City Council

#820712
MODESTO CITY COUNCIL
RESOLUTION NO. 2006-297

A RESOLUTION AMENDING THE ORDER OF BUSINESS FOR REGULAR MEETINGS OF THE CITY COUNCIL

WHEREAS, Section 2-1.08 of Chapter 1 of Title 2 of the Modesto Municipal Code states that the Order of Business for Council meetings shall be set forth by Council resolution, and

WHEREAS, that same section provides for changes in the Order of Business to be made from time to time, and

WHEREAS, the Council has expressed an interest in amending the Order of Business, and

WHEREAS, the Order of Business shall be:

1. Roll Call
2. Pledge of Allegiance to the Flag
3. Invocation
4. City Clerk’s Announcements
5. Declaration of Conflicts of Interest
6. Reports from Closed Session
7. Acknowledgements and Presentations
8. Miscellaneous
   a. Legislation
   b. Appointments
   c. Other
9. Oral Communications
10. Consent Calendar
11. Council Comments and Reports
12. City Manager Comments and Reports
13. Written Communications
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Order of Business to include the City Manager Comments and Reports and Reports from Closed Session.

BE IT FURTHER RESOLVED that this resolution shall not be effective until such time as Ordinance No. 3412-C.S. becomes effective.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of May 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: Richard Rudnansky, Interim City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2006-298

A RESOLUTION AUTHORIZING STAFF TO PROCEED WITH A REQUEST FOR PROPOSALS FOR CONSULTANT SERVICES FOR SPECIAL TAX CONSULTING AND ASSESSMENT ENGINEERING

WHEREAS, the City desires to continue to form funding mechanisms for development areas, and

WHEREAS, the City last issued a Request for Proposals ("RFP") for a Special Tax Consultant in 1997, and

WHEREAS, City staff wishes to contract with a consultant who will assist the City in processing the formation and annual administration of all future Community Facilities Districts ("CFDs") and/or Assessment Districts ("ADs"), and

WHEREAS, it is the intent of the RFP to select a consultant who will assist the City in the formation and annual administration of all future CFDs and/or ADs for a term of three years, with a renewal option at the sole discretion of City, and

WHEREAS, Requests for Proposals shall be evaluated on the basis of specific selection criteria, with Selection Interviews tentatively scheduled for June 20, 2006,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby authorizes staff to proceed with a Request for Proposals for consultant services for Special Tax Consulting and Assessment Engineering.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of May 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: Richard Rudnansky, Interim City Attorney
A RESOLUTION AUTHORIZING THE ADDITION OF GOODWIN CONSULTING GROUP TO THE SHORT LIST OF APPROVED CONSULTANTS FOR THE PREPARATION OF FACILITIES MASTER PLANS AND INFRASTRUCTURE FINANCE PLANS

WHEREAS, the City has adopted specific plan guidelines to implement the goals and policies of the General Plan, and

WHEREAS, it is the intent of the specific plan process to provide standards for development at a more focused level of detail, and

WHEREAS, these specific plans then become the basis for the formulation of the Infrastructure Finance Plans and Facilities Master Plans, and

WHEREAS, the City Council authorized the issuance of a Request for Qualifications to address qualifications of consultants who will assist the City in developing Facilities Master Plans and Infrastructure Finance Plans, and

WHEREAS, on December 14, 2005, the City Council authorized the retention of two firms for consultant services for Facilities Master Plans and Infrastructure Finance Plans and directed staff to expand the consultant short list, and

WHEREAS, Goodwin Consulting Group has demonstrated their ability to prepare Facilities Master Plans and Infrastructure Finance Plans within the existing framework of the City's organization, and meets the criteria for placement on the consultant short list,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby authorizes the addition of Goodwin Consulting Group to the short list of consultant services for Facilities Master Plans and Infrastructure Finance Plans.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of May 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: Richard Rudnansky, Interim City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2006-300

A RESOLUTION APPROVING AN AMENDMENT TO AGREEMENT FOR CONSULTANT SERVICES BETWEEN THE CITY OF MODESTO AND IMPACT SCIENCES INC. FOR PREPARATION OF AN ENVIRONMENT IMPACT REPORT FOR THE PROPOSED PELANDALE/MCHENRY SPECIFIC PLAN PROJECT IN AN AMOUNT NOT TO EXCEED $235,272 AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AMENDMENT

WHEREAS, Michael P. Evans of Meritage Homes has applied for a specific plan, commonly known as the Pelandale/McHenry Specific Plan, to allow for the orderly and future development within the approximate 80-acre planning area bounded by Pelandale Avenue on the north, McHenry Avenue on the east and the Modesto City Limits on the south and west generally located in north Modesto, and

WHEREAS, the proposed Pelandale/McHenry Specific Plan will also involve the following associated entitlements: prezoning to a Specific Plan-Overlay (SP-O) zone, annexation of the project site; a general plan amendment to 1) modify the land use development densities, and 2) modify the land use designations and boundaries by changing the general plan land use designation of 30 acres of Regional Commercial (RC) and 50 acres of Residential (R) to 4.0 acres Commercial (C), 51 acres of Residential (R) and 26.5 acres of Open Space for an 80-acre site located at the southwest corner of the Pelandale and McHenry Avenues, preparation of a Facilities Master Plan and associated Finance Plan, and formation of a community facilities district (CFD) (collectively “Project”), and

WHEREAS, Section 21080.1 of the California Public Resources Code requires the City of Modesto, as lead agency, to make a determination of whether an environmental impact report is required for the Project, and
WHEREAS, On October 11, 2005, the City approved an Agreement with Impact Sciences Inc. to prepare an Initial Study in accordance with Section 15063 of the CEQA Guidelines for the proposed Peladale/McHenry Specific Plan project and related applications, and

WHEREAS, when the original Agreement was approved in October, 2005, staff recognized that an amendment could be necessary, depending on the results of the Initial Study, and

WHEREAS, the Initial Study being prepared by Impact Sciences Inc. preliminarily determined that an Environmental Impact Report will be necessary to ensure that the City of Modesto complies with the requirements of the California Environmental Quality Act

WHEREAS, based on this preliminary determination, the City now desires to proceed with an Environmental Impact Report, and

WHEREAS, City staff recommends the existing Agreement between the City of Modesto and Impact Sciences Inc. be amended in an amount not to exceed $235,272 to allow Impact Sciences Inc. to prepare an Environmental Impact Report based on the scope of services supplied to City staff, and

WHEREAS, the applicant will pay for the Environmental Impact Report, including staff time spent on the project, and the applicant has deposited funds with the City to cover the full amount of this Amendment to Agreement For Consultant Services,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Amendment to Agreement For Consultant Services ("Amendment") between the City of Modesto and Impact Sciences Inc. for the preparation
of an Environmental Impact Report for the proposed Pelandale/McHenry Specific Plan, in an amount not to exceed $235,372. A copy of the Amendment Agreement is on file with the City Clerk’s Office.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of May 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: RICHARD RUDNANSKY, Interim City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2006-301

A RESOLUTION APPROVING THREE (3) AGREEMENTS BETWEEN THE
CITY OF MODESTO AND IGNACIO HERNANDEZ (APN: 085-050-004);
ALTAGRACIA RAMIREZ (APN: 085-050-005); AND ROBERT J. HESS AND
PATRICIA M. HESS (APN: 085-050-006) FOR THE FLOYD-ROSELLE
ROUNDABOUT PROJECT

WHEREAS, the City Council of the City of Modesto directed staff to enter into
negotiations with Ignacio Hernandez (APN: 085-050-004); Altagracia Ramirez (APN:
085-050-005); and Robert J. Hess and Patricia M. Hess (APN: 085-050-006) to purchase
the necessary real property for the Floyd-Roselle Roundabout Project, and

WHEREAS, said real properties were appraised and City offered the appraised
values, and

WHEREAS, said real properties need to be acquired for this roundabout project,
and

WHEREAS, an agreement is needed for the acquisition of each parcel of the
needed real property.

WHEREAS, a Written Checklist Environmental Assessment (EA/PW No: 2006-
09) has been prepared, which is attached hereto and made a part hereof by this reference,
and

WHEREAS, pursuant to said Environmental Assessment it has been determined
that, pursuant to Sections 15168 (c) and 15182 of the California Environmental Quality
Act Guidelines ("CEQA"), this Project is within the scope of the projects covered by the
Village One Program EIR (SCH No. 90020181), as amended by the 1994 Supplemental
EIR and the 2003 Addendum to the EIR and no new environmental document or findings are required by CEQA.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that three (3) agreements between City of Modesto and Ignacio Hernandez (APN: 085-050-004); Altagracia Ramirez (APN: 085-050-005); and Robert J. Hess and Patricia M. Hess (APN: 085-050-006) to purchase the necessary real property for the Floyd-Roselle Roundabout Project in the amount of $104,825 are hereby approved.

BE IT FURTHER RESOLVED that the City Manager or his designee are hereby authorized to execute said Agreements.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of May 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: RICHARD RUDNANSKY, Interim City Attorney
Determination:
Floyd Avenue and Roselle Avenue Improvements is within the Scope of the Village One Specific Plan Program Environmental Impact Report as supplemented (SCH #90020181) and with Addenda for the Village One Storm Drainage Master Plan Update and the Facilities Master Plan Update.

Prepared for:

City of Modesto
P.O. Box 642
Modesto, CA 95353
Contact: Amy Gedney
209/577-1211

Prepared by:

Paul Hom, Project Coordinator
City of Modesto
Capital Improvement Services
209/571-5175

May 18, 2006
I. PURPOSE

This written checklist, pursuant to CEQA Guidelines Section 15168 (C) (4), serves to make a determination where subsequent activities of a Program EIR involve site-specific operations, based on evaluation of the site and the activity to determine whether the environmental effects of the operation were covered in the program EIR. Based on a review of the project and Section 15162(a), this determination would permit the lead agency (City of Modesto) to approve the activity as being within the scope of the project covered by the Program EIR. This determination includes whether any new environmental document is required beyond the adopted Village One Specific Plan Program EIR (SCH# 90020181) for the proposed Floyd Avenue and Roselle Avenue Improvements (project).

On September 11, 1990, the Modesto City Council certified a Final Program Environmental Impact Report for the Village One Specific Plan. This Program EIR analyzed the impacts of build-out of the Village One Specific Plan, which includes the area in which this project is proposed. Subsequently, on May 24, 1994, the City Council certified a Supplemental to the Village One Program EIR. This supplement updated and modified the original EIR.

In Addition, on May 6, 2003, the City Council determined that the environmental effects of the Village One Facilities Master Plan Update (May 2003) and the Storm Drainage Master Plan Update projects have been addressed by the Village One Program EIR, as amended by the Supplemental EIR or are less than significant. Addenda for the Village One Facilities Master Plan Update (May 2003) and the Storm Drainage Master Plan Update were then prepared and certified by the City Council.

The 1994 Supplemental EIR that amended and superseded the 1990 Program EIR is the document reviewed for projects within the Village One Specific Plan area. Where appropriate feasible mitigation measures developed in the Supplement to the program EIR shall be incorporated into the proposed project as outlined in Section V of this Checklist.
II. PROJECT INFORMATION

1. Project Title: Floyd Avenue and Roselle Avenue Improvements

2. Lead Agency Name and Address: City of Modesto, P.O. Box 642, Modesto, CA 95353

3. Contact Person and Phone Number: Paul Horn, Project Coordinator
   Modesto Capital Improvement Services
   209/571-5175

4. Project Location: Floyd Avenue between Grouse Crossing Way and Fine Avenue, and Roselle Avenue between Kodiak Drive and Belharbour Drive, Modesto, California (see attached Exhibit A)

5. Project Sponsor's Name and Address: City of Modesto – Capital Facilities District
   P.O. Box 642
   Modesto, CA 95353

6. General Plan Designation: The General Plan land use designation is Village Residential (VR)

7. Zoning: Specific Plan-Overlay (SP-O) Zone

8. Description of Project: Pursuant to the General Plan and adopted Village One Specific Plan, the City of Modesto will construct road improvements to Floyd Avenue between Grouse Crossing Way and Fine Avenue, and Roselle Avenue between Kodiak Drive and Belharbour Drive implementing these Plans and as anticipated therein. These improvements include construction of a two-lane roundabout at the intersection of Roselle and Floyd Avenues. The roundabout will have a 120-foot diameter from curb to curb, with an inner landscaped area. Splitter islands will be located on all four approaches to guide vehicles into the roundabout, and the posted speed limit within the roundabout area will be 15 mph. Completion of this project is in specific furtherance of Mitigation Measure 7 of the Village One Supplemental EIR, which calls for completion of 4-lane improvements on Roselle Avenues. Mitigation Measure 14 calls for improvement of the Roselle/Floyd intersection to provide adequate capacity for projected traffic; the roundabout proposed at this location has been determined by the City's Traffic Engineer to provide the required capacity (memo dated December 19, 2005 from Firoz Vohra, Deputy Director of Public Works). Improvements to Floyd and Roselle will be to the City's 4-lane standard as specified in the Village One Facilities Master Plan, to include two northbound and two southbound lanes and a 16-foot-wide landscaped median on Roselle, and two eastbound and two westbound lanes and a 16-foot-wide landscaped median on Floyd. Bus turnouts will be included.
9. **Surrounding Land Uses and Setting:** The Village One Specific Plan Area is over half built, as planned and approved by the 1990 Village One Specific Plan. The project area is adjoined on the west by single-family subdivisions. On the northeast corner is multi-family, the south east corner is commercial, with single-family subdivisions to the east.

10. **Other Public Agencies whose Approval Is Required:** None.

### III. DETERMINATION:

Based on the analysis contained in this document, staff finds that pursuant to Guidelines Section 15162 the following is true for the proposed project:

1. Major revisions to the Village One Program EIR as amended by the 1994 Final Supplemental EIR (SCH No. 90020181), with Addenda for the Village One Storm Drainage Master Plan and the Village One Facilities Master Plan Update, are not required because the project will not involve new significant environmental effects or increase severity of effects previously identified, and

2. Major revisions to the Village One Program EIR as amended by the 1994 Final Supplemental EIR, with Addenda for the Village One Storm Drainage Master Plan and the Village One Facilities Master Plan Update, are not required because no substantial changes to circumstances have occurred that involve new significant environmental effects or increase severity of effects previously identified, and

3. No new information of substantial importance that was not known has become available that shows:
   a. one or more significant effects is not discussed in the Village One Program EIR as amended by the 1994 Final Supplemental EIR, with Addenda for the Village One Storm Drainage Master Plan and the Village One Facilities Master Plan Update,
   b. identified significant effects will be more severe,
   c. previously infeasible mitigation measures are now feasible,
   d. project proponents have declined to adopt mitigation measures that would substantially reduce significant effects.

4. Because no new significant effects have been identified and no new mitigation is required for the project, the environmental effects of the operation of the proposed project were covered by the Village One Program EIR as updated by the 1994 Final Supplemental EIR, with Addenda for the Village One Storm Drainage Master Plan and the Village One Facilities Master Plan Update. Therefore, pursuant to CEQA Section 15168 (C) (4) no new environmental document is required.

5. Therefore, the Floyd Avenue and Roselle Avenue Improvements project is within the scope of the Village One Program EIR as updated by the 1994 Final Supplemental EIR, with Addenda for the Village One Storm Drainage Master Plan and the Village One Facilities Master Plan Update.

Project Manager: [Signature]  
Date: 5/18/06

Date: 5/18/2006
IV. PROJECT EVALUATION:

The following written Checklist based on Appendix G of the CEQA Guidelines serves to document the evaluation of the site and activity of the proposed project pursuant to CEQA Guidelines Section 15168 (c) (4) to determine whether the environmental effects of the operation were covered in the Program EIR.

<table>
<thead>
<tr>
<th>I. AESTHETICS. Would the project:</th>
<th>Potentially Significant Impact</th>
<th>Less than Significant Impact</th>
<th>Less-than-Significant Impact</th>
<th>No Impact</th>
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<tbody>
<tr>
<td>a. Have a substantial adverse effect on a scenic vista?</td>
<td>☐</td>
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<tr>
<td>b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings along a scenic highway?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
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<tr>
<td>c. Substantially degrade the existing visual character or quality of the site and its surroundings?</td>
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<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>d. Create a new source of substantial light or glare that would adversely affect daytime or nighttime views in the area?</td>
<td>☐</td>
<td>☐</td>
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<td>☒</td>
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Aesthetic and visual impacts are analyzed on pages III-100 through III-103 of the 1994 Supplement.

**Responses to Checklist Questions**

a,b. The Village One Specific Plan program EIR found that, as Village One is built, it will eliminate views of the valley and the distant mountains from adjacent areas and reduce the area's visual open space. However, the program EIR found the effects of Village One Development on scenic vistas and resources to be less than significant because views from the project area are minimal and there are no scenic resources in the area. The proposed Floyd Avenue and Roselle Avenue Improvements project would not change the extent or nature of construction in the specific plan area, or cause any other changes in the project area. Impacts on scenic vistas and resources would therefore remain the same as those identified in the program EIR. There would be no additional impact. No mitigation is required.
c. The Village One Specific Plan program EIR found that Village One would have a less-than-significant impact on the visual character of the area. The proposed Floyd Avenue and Roselle Avenue Improvements project would not change the design or layout of the construction proposed under the Village One Specific Plan. For this reason, impacts on the visual character of the area would remain the same as those identified in the program EIR. There would be no additional impact. No mitigation is required.

d. The proposed Floyd Avenue and Roselle Avenue Improvements project will incorporate the normal street lighting for a street of this type as found throughout the community and as specified in the City of Modesto Standard Specifications. This lighting is consistent with that studied in the Village One Specific Plan program EIR and would not change the extent or nature of construction in the specific plan area, or cause any other changes in the project area. For this reason, impacts associated with additional light and glare would remain the same as those identified in the program EIR. There would be no additional impact. No mitigation is required.

II. AGRICULTURAL RESOURCES. In determining whether impacts on agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation. Would the project:

a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? □ □ □ □ □

b. Conflict with existing zoning for agricultural use or conflict with a Williamson Act contract? □ □ □ □ □

c. Involve other changes in the existing environment that, due to their location or nature, could result in conversion of Farmland to non-agricultural use? □ □ □ □ □

Potential Impact
Less than Significant Impact
Less-than-Significant Impact or Mitigation
Incorporated

5/18/2006
Impacts on agricultural resources are analyzed on pages III-80 through III-94 of the 1994 Supplement.

Responses to Checklist Questions

a. The Village One Specific Plan program EIR found that approximately 670 acres of land designated as Prime Farmland and 588 acres of land designated as Unique Farmland would be lost as a result of the Village One project. This impact was determined to be significant and not mitigable. The City made a statement of overriding considerations when it certified the 1994 Supplement. The proposed Floyd Avenue and Roselle Avenue Improvements project would not affect this finding because the project area would remain the same. There would be no additional impact. No mitigation is required.

b. The Village One Specific Plan program EIR presented information showing that any Williamson Act contracts in the project area would be automatically cancelled on annexation of the land to the City of Modesto, which has occurred, or would expire within 10 years of the time the original program EIR was prepared. The last Williamson Act contract covering land in the project area has expired. There are now no lands in the project area under Williamson Act contract. The project area has also been rezoned consistent with the specific plan, and no lands in the project area are now zoned for agricultural use. There would be no additional impact. No mitigation is required.

c. The Village One Specific Plan program EIR identified a potential land use conflict between new residential uses in the specific plan area and adjacent agricultural uses. Such conflicts can lead to conversion of adjacent farmlands to other uses. The program EIR proposed mitigation measures for this potential impact that would reduce the impact's significance, although the EIR noted that the mitigation measure might not fully mitigate the impact. No additional mitigation measures are available for this impact. The proposed Floyd Avenue and Roselle Avenue Improvements project would not affect this finding because the project area and proposed land use would remain the same. There would be no additional impact. No mitigation is required.

III. AIR QUALITY. When available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

- Potentially Significant Impact
- Less than Significant Impact with Mitigation Incorporated
- Less-than-Significant Impact
- No Impact

5/13/2006
a. Conflict with or obstruct implementation of the applicable air quality plan?

b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation?

c. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is a nonattainment area for an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors)?

d. Expose sensitive receptors to substantial pollutant concentrations?

e. Create objectionable odors affecting a substantial number of people?

Impacts on air quality are analyzed on pages III-45 through III-54 of the 1994 Supplement.

**Responses to Checklist Questions**

a., b. The Village One Specific Plan program EIR found that air pollution from project-related construction and construction traffic, project-related industrial/business park and urban area traffic, and fireplaces and wood stoves in planned residential areas would violate air quality standards and contribute to an existing air quality violation. Construction activities would temporarily increase TSP and PM10 standards in the project vicinity and could result in violation of the state and federal 24-hour PM10 standards in the project vicinity. Construction traffic emissions would contribute to violation of the state and federal 8-hour carbon monoxide (CO) and particulate matter (PM10) standards and the federal ozone standard in the Modesto Urban Area and the San Joaquin Valley Air Basin. Urban traffic pollution would contribute to violations of the state o evidence, CO, and PM10 standards in the Modesto Urban Area and San Joaquin Valley Air Basin. Residential pollution would contribute to violations of the pollutant standard index in the Modesto Urban Area. Partial mitigation for these impacts is included in the program EIR, and the City of Modesto adopted a statement of overriding consideration for each impact. The proposed Floyd Avenue and Roselle Avenue Improvements would not change the amount of development and construction in the project area, so trips generated by the project would not be affected and the types of land uses would not change. There would be no additional impact. No mitigation is required.

c. The Village One Specific Plan program EIR found that air pollutant emissions associated with traffic at build-out of Village One would exacerbate the existing ozone, PM10, and CO violations in the Modesto area and cause a significant cumulative impact. Partial mitigation for
these emissions is included in the 1994 supplement to the program EIR (Mitigation Measure #2) and the City of Modesto made a statement of overriding consideration for each impact. The proposed Floyd Avenue and Roselle Avenue Improvements would not change the amount of traffic associated with build-out of Village One or the types of land uses, so trips generated by the project would not be affected. There would be no additional impact. No additional mitigation is required.

d. The Village One Specific Plan program EIR found that PM10 generated during construction would aggravate the respiratory problems of people living and working nearby, therefore exposing sensitive receptors in the area to pollutant concentrations and causing a significant impact. However, the program EIR outlines mitigation measures that will be implemented to reduce the impact to an acceptable level (Mitigation Measure #40). The proposed Floyd Avenue and Roselle Avenue Improvements would not change the level of construction emissions. There would be no additional impact. No additional mitigation is required.

e. The Floyd Avenue and Roselle Avenue Improvements project does not contain any components that would create odors. The proposed Floyd Avenue and Roselle Avenue Improvements would not change planned uses of the project area. There would be no impact. No mitigation is required.

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<tr>
<th>Potentially Significant Impact</th>
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<th>Less-than-Significant Impact</th>
<th>No Impact</th>
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<tr>
<th>IV. BIOLOGICAL RESOURCES. Would the project:</th>
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<tr>
<td>a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?</td>
</tr>
<tr>
<td>b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?</td>
</tr>
<tr>
<td>c. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marshes, vernal pools, coastal wetlands, etc.) through direct removal, filling, hydrological interruption, or other means?</td>
</tr>
</tbody>
</table>
d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?  

e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?  

f. Conflict with the provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan?

Impacts on biological resources are analyzed on pages III-68 through III-79 of the 1994 Supplement.

Responses to Checklist Questions

a. The Village One Specific Plan program EIR found that development within the Village One area could result in the loss of foraging habitat for Swainson's hawk, a state-listed threatened species, but found that mitigation measures identified in the program EIR would reduce the impact to a less-than-significant level. The proposed Floyd Avenue and Roselle Avenue Improvements would not change project area boundaries. Further, the area to be developed is adjacent to an existing roadway and is heavily disturbed; and has no current utility as foraging habitat. There would be no additional impact. No mitigation is required. A Swanson Hawk survey was completed in conjunction with the proposed commercial development to the southeast (copy on file), which confirms that the area is not in use as a foraging habitat.

b. The Village One Specific Plan program EIR did not find that any riparian habitat or other designated sensitive natural community was present in the Floyd Avenue and Roselle Avenue Improvements area, and so found that the project would have a less-than-significant impact. The proposed Floyd Avenue and Roselle Avenue Improvements would not change project area boundaries. There would be no additional impact. No mitigation is required.

c. The Village One Specific Plan program EIR found that two areas indicated as “drainage areas with wetland vegetation”, designated in Figure 34, page 4.9-2 of the Program EIR, could result in the loss of lands that might be classified as wetlands by the U.S. Army Corps of Engineers. Floyd Avenue and Roselle Avenue Improvements is not located in one of those two areas and would not change the project area boundaries or the areas that would be disturbed. There would be no additional impact. No mitigation is required.
d. The Village One Specific Plan program EIR did not identify any migratory corridors in the Floyd Avenue and Roselle Avenue Improvements area, nor did it find that the project would interfere with the movement of any species. The proposed Floyd Avenue and Roselle Avenue Improvements would not change the project area boundaries. There would be no impact. No mitigation is required.

e., f. No local biological resource protection policies, ordinances, habitat conservation plans, or natural community conservation plans apply to the Village One Specific Plan area. There would be no impact. No mitigation is required.

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<th>Potentially Significant Impact</th>
<th>Less than Significant with Mitigation Incorporated</th>
<th>Less-than-Significant Impact</th>
<th>No Impact</th>
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**V. CULTURAL RESOURCES.** Would the project:

a. Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5? ☒ ☐ ☐ ☒

b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5? ☒ ☐ ☐ ☒

c. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? ☒ ☐ ☐ ☒

d. Disturb any human remains, including those interred outside of formal cemeteries? ☒ ☐ ☐ ☒

**Responses to Checklist Questions**

a.–d. Impacts on cultural resources resulting from Village One (e.g., from construction of associated infrastructure) are addressed in the Opportunities/Constraints Report prepared for the Modesto Planning Commission (December 1, 1989). The report concluded that there are no known historic, archaeological, or paleontological resources in the Village One Specific Plan area. Based on the results of this report, (Cultural and Historic Resources Report, page 4 & 5, Exhibit D) it was determined that the likelihood that Floyd Avenue and Roselle Avenue Improvements would change or disturb human remains or significant historic, archaeological, or paleontological resources was low.

The proposed Floyd Avenue and Roselle Avenue Improvements would not change the locations or types of construction in the project area nor the boundaries of the project area. Construction of the roadway will not result in any effects on historic structures. Since no archaeological, or
paleontological resources were found in the previous document to be located in the project area, and since the proposed project would not have a significant impact on historic structures, there would be no impact. No mitigation is required.

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<tr>
<th>Potentially Significant Impact</th>
<th>Less than Significant Mitigation</th>
<th>Less-than-Significant Impact</th>
<th>No Impact</th>
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</table>

VI. GEOLOGY AND SOILS. Would the project:

a. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:

1. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.

2. Strong seismic groundshaking?

3. Seismic-related ground failure, including liquefaction?

4. Landslides?

b. Result in substantial soil erosion or the loss of topsoil?

c. Be located on a geologic unit or soil that is unstable or that would become unstable as a result of the project and potentially result in an onsite or offsite landslide, lateral spreading, subsidence, liquefaction, or collapse?

d. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?

e. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems in areas where sewers are not available for the disposal of wastewater?

Impacts associated with geology and soils are analyzed on pages III-105 through III-108 of the 1994 Supplement.
Responses to Checklist Questions

a.–d. The program EIR, as supplemented, found that the project area is not subject to geologic or soil-related hazards that cannot be adequately mitigated through the implementation of existing city regulations, such as the building code. No significant impacts were identified, and no mitigation measures were required. The proposed Floyd Avenue and Roselle Avenue Improvements would not change the locations or types of construction in the project area nor the boundaries of the project area. There would be no additional impact. No mitigation is required.

e. The Village One Specific Plan included provisions for the project to be served by public sewers. No septic tanks or alternative wastewater systems were proposed. The proposed Floyd Avenue and Roselle Avenue Improvements project would not change the proposed method of wastewater disposal. There would be no impact. No mitigation is required.

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<tr>
<th>Potentially Significant Impact</th>
<th>Less than Significant with Mitigation Incorporated</th>
<th>Less-than-Significant Impact</th>
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VII. HAZARDS AND HAZARDOUS MATERIALS.
Would the project:

a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? □ □ □ ☑

b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? □ □ □ ☑

c. Emit hazardous emissions or involve handling hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? □ □ □ ☑

d. Be located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? □ □ □ ☑

e. Be located within an airport land use plan area or, where such a plan has not been adopted, □ □ □ ☑
be within two miles of a public airport or public use airport, and result in a safety hazard for people residing or working in the project area?
f. Be located within the vicinity of a private airstrip and result in a safety hazard for people residing or working in the project area?

g. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

h. Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

Impacts associated with hazards and hazardous materials are analyzed on pages III-80 through III-94 and III-109 through III-119 of the 1994 Supplement.

Responses to Checklist Questions

a.–c. The Village One Specific Plan does not allow any land uses that would use hazardous materials. The proposed Floyd Avenue and Roselle Avenue Improvements would not change land uses or project area boundaries. There would be no impact. No mitigation is required.

d. The Village One Specific Plan program EIR, as supplemented, found no hazardous materials were stored at the roadway site. No significant impacts were identified, and no mitigation measures were required. The proposed Floyd Avenue and Roselle Avenue Improvements would not change the locations or types of construction in the project area nor the boundaries of the project area. There would be no additional impact. No mitigation is required.

e. The Village One Specific Plan program EIR found that the roadway would not be located in an airport land use plan area or within 2 miles of a public airport. The proposed Floyd Avenue and Roselle Avenue Improvements would not change the project area boundaries. There would be no impact. No mitigation is required.

f. The Village One Specific Plan program EIR found that a private airstrip, the Eastside Mosquito Abatement District Airstrip, is located east of the eastern border of the Village One project area. However, take-offs and landings were found to take place parallel to and outside the area's border, and flight patterns are generally situated to the east of the project area. The proposed Floyd Avenue and Roselle Avenue Improvements would not change the project area boundaries. There would be no additional impact. No mitigation is required.
g. Since the adoption of the Village One Specific Plan, the Modesto General Plan has been updated to include development of Village One consistent with the specific plan. City emergency plans are developed with the assumption that the Village One Specific Plan will be implemented. The proposed Floyd Avenue and Roselle Avenue Improvements would not change construction, land use, or other physical attributes of Village One. There would be no additional impact. No mitigation is required.

h. The Village One project is located in an area of the City of Modesto planned for build-out of an urban neighborhood. Currently, less than 50% of the project area remains undeveloped, with a covering of dry brush and vegetation. The potential for wild land fires is low, and this potential will decrease as build-out continues. Adoption of the proposed Floyd Avenue and Roselle Avenue Improvements would not change the schedule or amounts of development. There would be no additional impact. No mitigation is required.

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<th>Potentially Significant Impact</th>
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VIII. HYDROLOGY AND WATER QUALITY.

Would the project:

a. Violate any water quality standards or waste discharge requirements? ☑ ☐ ☐ ☑

b. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge, resulting in a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level that would not support existing land uses or planned uses for which permits have been granted)? ☑ ☐ ☐ ☑

c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner that would result in substantial erosion or siltation onsite or offsite? ☑ ☐ ☐ ☑

d. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding onsite or offsite? ☑ ☐ ☐ ☑

e. Create or contribute runoff water that would exceed the capacity of existing or planned ☑ ☐ ☐ ☑

5/18/2006
stormwater drainage systems or provide substantial additional sources of polluted runoff?

f. Otherwise substantially degrade water quality?

0 0 0 0

0 0 0 0

g. Place housing within a 100-year flood hazard area, as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?

0 0 0 0

0 0 0 0

h. Place within a 100-year flood hazard area structures that would impede or redirect floodflows?

0 0 0 0

0 0 0 0

i. Expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam?

0 0 0 0

0 0 0 0

j. Contribute to inundation by seiche, tsunami, or mudflow?

0 0 0 0

0 0 0 0

Impacts associated with hydrology are analyzed on pages III-109 through III-119 of the 1994 Supplement.

**Responses to Checklist Questions**

a. The Village One Specific Plan program EIR did not find that the Village One project would violate any water quality standards or waste discharge requirements. The proposed Floyd Avenue and Roselle Avenue Improvements would not change water use or discharge associated with the Village One project. There would be no additional impact. No mitigation is required.

b. The Village One Specific Plan program EIR found that the Village One project might interfere with local groundwater recharge. However, the impact was found to be less than significant because the project area is not a major groundwater recharge area and the project includes a recharge/discharge plan for disposal of storm-water runoff and recharge of groundwater. In addition, in 2003 two addenda to the Village One program EIR were prepared and certified. One related to the Facilities Master Plan Update and the other related to the Storm Drainage Master Plan Update.

The proposed Floyd Avenue and Roselle Avenue Improvements would not change the amount of impervious surface in the project area or the proposed storm drain facilities. There would be no additional impact. No additional mitigation is required.

c.–e. The Village One Specific Plan program EIR found that the Village One project will substantially alter the existing drainage pattern of the area but, because the project will incorporate an urban storm drain system, will not result in any erosion impacts. The proposed Floyd Avenue and Roselle
Avenue Improvements would not change the amount of impervious surface or the proposed storm drain facilities. There would be no additional impact. No mitigation is required.

f. The Village One Specific Plan program EIR did not find that the Village One project would otherwise substantially degrade water quality. The proposed Floyd Avenue and Roselle Avenue Improvements would not change water use or discharge from that already determined. There would be no additional impact. No mitigation is required.

g.-i. According to the Village One Specific Plan program EIR, the Village One project is not situated in a 100-year flood hazard area or downstream from a levee or dam. The proposed Floyd Avenue and Roselle Avenue Improvements would not change the project area boundaries. There would be no impact. No mitigation is required.

j. The Village One project area is located in a flat, inland area not susceptible to seiche, tsunami, or mudflow. The proposed Floyd Avenue and Roselle Avenue Improvements would not change the project area boundaries. There would be no impact. No mitigation is required.
IX. LAND USE AND PLANNING. Would the project:

a. Physically divide an established community?  
   
   Potentially Significant Impact  
   Less than Significant Impact  
   Less-than-Significant Impact  
   No Impact

b. Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, a general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?

   Potentially Significant Impact  
   Less than Significant Impact  
   Less-than-Significant Impact  
   No Impact

c. Conflict with any applicable habitat conservation plan or natural community conservation plan?

   Potentially Significant Impact  
   Less than Significant Impact  
   Less-than-Significant Impact  
   No Impact

Impacts associated with land use and planning are analyzed on pages III-80 through III-94 of the 1994 Supplement.

Responses to Checklist Questions

a. The proposed Floyd Avenue and Roselle Avenue Improvements would not result in any physical changes to the environment beyond those proposed as a part of the Village One project. Village One would continue to be developed as a planned community; therefore, the proposed Floyd Avenue and Roselle Avenue Improvements would not divide an established community. There would be no impact, and no mitigation is required.

b., c. The Village One Specific Plan has been adopted by the City of Modesto and has been incorporated into the Modesto General Plan. The proposed Floyd Avenue and Roselle Avenue Improvements would be consistent with the Village One Specific Plan as amended by subsequent addenda. There are no other applicable land use or conservation plans for the project area. There would be no impact. No mitigation is required.
X. MINERAL RESOURCES. Would the project:

a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?

b. Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?

Responses to Checklist Questions

a., b. No known mineral resources or important recovery sites are located in the Village One Specific Plan Area. There would be no impact. No mitigation is required.
XI. **NOISE.** Would the project:

a. Expose persons to or generate noise levels in excess of standards established in a local general plan or noise ordinance or applicable standards of other agencies? 🟢

b. Expose persons to or generate excessive groundborne vibration or groundborne noise levels? 🟢

c. Result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? 🟢

d. Result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? 🟢

e. Be located within an airport land use plan area, or, where such a plan has not been adopted, within two miles of a public airport or public use airport and expose people residing or working in the project area to excessive noise levels? 🟢

f. Be located in the vicinity of a private airstrip and expose people residing or working in the project area to excessive noise levels? 🟢

Impacts associated with noise are analyzed on pages III-55 through III-67 of the 1994 Supplement.

### Responses to Checklist Questions

a., c. The Village One Specific Plan program EIR found that traffic associated with the Village One project would expose existing residential uses on Claus Road, Floyd Avenue, Briggsmore Expressway, Oakdale Road, Roselle Avenue and Sylvan Avenue, to noise levels exceeding the general plan thresholds for residential uses. Mitigation measures identified in the program EIR were determined to reduce the level of impact, but in some cases not to a less-than-significant level. The City made a statement of overriding considerations when it certified the 1994 Supplement.
The proposed Floyd Avenue and Roselle Avenue Improvements project would not change project-related noise-generating activities. There would be no additional impact. No mitigation is required.

b. The Village One Specific Plan program EIR found that the Village One project would not expose people to, or generate excessive, groundborne vibration or groundborne noise levels. The proposed Floyd Avenue and Roselle Avenue Improvements project would not change project-related noise-generating activities. There would be no impact. No mitigation is required.

d. The Village One Specific Plan program EIR found that construction of the Village One project would result in a substantial temporary increase in ambient noise levels for residential housing. However, mitigation measures were incorporated into the program EIR to reduce the impact to a less-than-significant level. The proposed Floyd Avenue and Roselle Avenue Improvements would not change construction activities. There would be no additional impact. No additional mitigation is required.

e. The Village One Specific Plan program EIR found that the Village One project would not be located in an airport land use plan area or within 2 miles of a public airport. The proposed Floyd Avenue and Roselle Avenue Improvements would not change the project area. There would be no impact. No mitigation is required.

f. The Village One Specific Plan program EIR found that a private airstrip, the Eastside Mosquito Abatement District Airstrip, is located east of the eastern border of the Village One project area. However, take-offs and landings take place parallel to and outside the area's border, and flight patterns are generally situated east of the project area. The adjacent land use would be a business park, which would not be significantly affected by the limited noise generated at the airstrip. The proposed Floyd Avenue and Roselle Avenue Improvements would not change land use designations or the boundaries of the project area. There would be no additional impact. No mitigation is required.
XII. POPULATION AND HOUSING. Would the project:

a. Induce substantial population growth in an area, either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through extension of roads or other infrastructure)? □ □ □ ☑

b. Displace a substantial number of existing housing units, necessitating the construction of replacement housing elsewhere? □ □ □ ☑

c. Displace a substantial number of people, necessitating the construction of replacement housing elsewhere? □ □ □ ☑

Impacts on population and housing are analyzed on pages III-95 through III-99 of the 1994 Supplement.

Responses to Checklist Questions

a.–c. The Village One Specific Plan program EIR found that the Village One project would result in no significant impacts on population and housing units. The proposed Floyd Avenue and Roselle Avenue Improvements would not change the amount of housing or employment in the specific plan area. There would be no impact. No mitigation is required.
XIII. PUBLIC SERVICES. Would the project:

a. Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities or a need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the following public services:

<table>
<thead>
<tr>
<th>Service</th>
<th>Potentially Significant Impact</th>
<th>Less than Significant with Mitigation Incorporated</th>
<th>Less-than-Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fire protection?</td>
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<td>☐</td>
<td>☐</td>
<td>☑</td>
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<tr>
<td>Police protection?</td>
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<td>Schools?</td>
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<td>Parks?</td>
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<tr>
<td>Other public facilities?</td>
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Impacts on public services are analyzed on pages III-120 through III-158 of the 1994 Supplement.

Responses to Checklist Questions

a. The Village One Specific Plan program EIR found that the only significant impact the Village One project would have on public services would be in the areas of fire protection and law enforcement. Mitigation measures were identified in the program EIR to reduce the level of this impact to a less-than-significant level. No other significant impacts on public services were identified. The proposed Floyd Avenue and Roselle Avenue Improvements would not change the provision of public services. There would be no additional impact. No mitigation is required.
XIV. RECREATION. Would the project:

a. Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?  
   - Potentially Significant Impact:  
   - Less than Significant Impact:  
   - Less than Significant Impact with Mitigation Incorporated:  
   - No Impact: ☑

b. Include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?  
   - Potentially Significant Impact:  
   - Less than Significant Impact:  
   - Less than Significant Impact with Mitigation Incorporated:  
   - No Impact: ☑

Impacts on recreation are analyzed on pages III-120 through III-158 of the 1994 Supplement.

Responses to Checklist Questions

a., b. No significant impacts on recreation were identified in the program EIR. The proposed Floyd Avenue and Roselle Avenue Improvements would not change the provision of parks and recreation facilities. There would be no additional impact. No mitigation is required.
XV. TRANSPORTATION/TRAFFIC. Would the project:

a. Cause an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in the number of vehicle trips, the volume-to-capacity ratio on roads, or congestion at intersections)?

b. Cause, either individually or cumulatively, exceedance of a level-of-service standard established by the county congestion management agency for designated roads or highways?

c. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?

d. Substantially increase hazards because of a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

e. Result in inadequate emergency access?

f. Result in inadequate parking capacity?

g. Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?

Impacts on transportation and traffic are analyzed on pages III-40 – III-44 of the 1994 Supplement.

Responses to Checklist Questions

a., b. The Village One Specific Plan program EIR found that the Village One project would cause an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system and would affect level of service at several intersections. Mitigation measures identified in the program EIR were identified to reduce impacts to a less-than-significant level for all intersections except the Briggsmore Avenue/Oakdale Avenue intersection. For that intersection, the impact
was determined to be significant and not mitigable. The City of Modesto made a statement of overriding considerations for that impact at the time it certified the 1994 Supplement. The proposed Floyd Avenue and Roselle Avenue Improvements would not alter traffic patterns in the project area or result in additional trips. There would be no additional impact. No mitigation is required.

c. The Village One Specific Plan program EIR did not find that the Village One project would result in a change in air traffic patterns. The proposed Floyd Avenue and Roselle Avenue Improvements does not include any elements that would affect air traffic patterns. There would be no impact. No mitigation is required.

d. The Village One Specific Plan program EIR did not find that the Village One project included any hazardous design features or increased any incompatible uses for roads in the project area. The proposed Floyd Avenue and Roselle Avenue Improvements incorporates roadway (including roundabout) design consistent with City of Modesto Standard Specifications. There would be no impact. No mitigation is required.

e. The Village One Specific Plan program EIR did not find that the Village One project would result in inadequate emergency access in the project area. Project design included provision of adequate roadways to serve the Village One development. The proposed Floyd Avenue and Roselle Avenue Improvements would not change roadway layout or land uses. There would be no additional impact. No mitigation is required.

f. The Village One Specific Plan program EIR did not find that the Village One project would result in inadequate parking capacity in the project area. The provision of parking, consistent with zoning requirements for all land uses, will be required. The proposed Floyd Avenue and Roselle Avenue Improvements would not change land use standards related to parking or amounts or intensity of development. There would be no impact. No mitigation is required.

g. The Village One Specific Plan has been adopted by the City of Modesto. Policies of the specific plan are coordinated with the policies of the general plan, including those applicable to transportation. The proposed Floyd Avenue and Roselle Avenue Improvements does not include any changes related to transportation policies, and would have no impact. No mitigation is required.
XVI. UTILITIES AND SERVICE SYSTEMS. Would the project:

<table>
<thead>
<tr>
<th>Question</th>
<th>Potentially Significant Impact</th>
<th>Less than Significant with Mitigation Incorporated</th>
<th>Less-than-Significant Impact</th>
<th>No Impact</th>
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</thead>
<tbody>
<tr>
<td>a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?</td>
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<tr>
<td>b. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?</td>
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<tr>
<td>c. Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?</td>
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<tr>
<td>d. Have sufficient water supplies available to serve the project from existing entitlements and resources, or would new or expanded entitlements be needed?</td>
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<tr>
<td>e. Result in a determination by the wastewater treatment provider that serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?</td>
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<tr>
<td>f. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?</td>
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<tr>
<td>g. Comply with federal, state, and local statutes and regulations related to solid waste?</td>
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</table>

Impacts on utilities and service systems are analyzed on pages III-120 through III-158 of the 1994 Supplement.

Responses to Checklist Questions

a. The City provides sewer services to the Village One area. All wastewater would be directed to city wastewater treatment facilities. No wastewater discharges would occur in the project area. The proposed Floyd Avenue and Roselle Avenue Improvements would not increase the amount of...
wastewater that will be generated at build-out of the Village One project. There would be no additional impact. No mitigation is required.

b., e. The Village One Specific Plan program EIR discusses the changes and new facilities that will be needed for the Village One project. The EIR found that, with mitigation, there would be no significant impact on water or wastewater infrastructure. The proposed Floyd Avenue and Roselle Avenue Improvements would not change the project demand for water or wastewater service. There would be no additional impact. No mitigation is required.

c. The Village One Specific Plan program EIR discusses the changes and new facilities that will be needed for the Village One project. The EIR found that, with mitigation, there would be no significant impact on storm water drainage facilities. An update to the Storm Drainage Master Plan has been completed and Adopted by the Modesto City Council. An addendum to the Village One program EIR for the Storm Drainage Master Plan has also been completed and adopted by the Modesto City Council.

The proposed Floyd Avenue and Roselle Avenue Improvements would not change the project drainage plans or expected volume of storm-water. The project would not result in any additional impacts or the need for any additional mitigation beyond that assessed in the Addenda to the Village One Program EIR for the Storm Drainage Master Plan. No Mitigation is required.

d. The Village One Specific Plan program EIR found that, with mitigation, the effects of the Village One project on water supply would be less than significant. The proposed Floyd Avenue and Roselle Avenue Improvements would not change the Village One project's demand for water. There would be no additional impact. No mitigation is required.

f., g. The Village One Specific Plan program EIR found that the area's landfills have sufficient permitted capacity to accommodate the Village One project's solid waste disposal needs. The proposed Floyd Avenue and Roselle Avenue Improvements would not result in any generation of additional solid waste. There would be no impact. No mitigation is required.
XVII. MANDATORY FINDINGS OF SIGNIFICANCE.

a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory? □ □ □ □ ☑

b. Does the project have impacts that are individually limited but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.) □ □ □ □ ☑

c. Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly? □ □ □ □ ☑

Cumulative impacts are analyzed on page III-161 of the 1994 Supplement.

Responses to Checklist Questions

a. As described above, the proposed Floyd Avenue and Roselle Avenue Improvements would not result in any significant impacts on the environment over and above those associated with implementation of the Village One Specific Plan and as analyzed in the Village One Specific Plan program EIR and subsequent supplements and addenda.

b. As described above, the proposed Floyd Avenue and Roselle Avenue Improvements would not result in any significant impacts, either on a project or on cumulative level, over and above those associated with implementation of the Village One Specific Plan and as analyzed in the Village One Specific Plan program EIR and subsequent supplements and addenda.

c. As described above, the proposed Floyd Avenue and Roselle Avenue Improvements would not result in any significant impacts affecting
humans over and above those associated with implementation of the Village One Specific Plan and as analyzed in the Village One Specific Plan program EIR and subsequent supplements and addenda.

V. MITIGATION APPLIED TO PROJECT

The following mitigation measures developed in the 1994 Village One Specific Plan Supplement to the Program EIR are appropriate to the project and will be incorporated into the project. Therefore, the environmental effects of the project were covered by the program EIR.

I. Aesthetics
None

II. Agricultural Resources
None

III. Air Quality
None

IV. Biological Resources
None

V. Cultural Resources
None

VI. Geology and Soils
None

VII. Hazards and Hazardous Materials
None

VIII. Hydrology and Water Quality
None

IX. Land Use and Planning
None

X. Mineral Resources
None

XI. Noise
None
XII. Population and Housing
None

XIII. Public Services
None

XIV. Recreation
None

XV. Transportation/Traffic
Completion of this project is in specific furtherance of Mitigation Measure 7 of the Village One Supplemental EIR, which call for completion of 4-lane improvements on Roselle Avenue. Mitigation Measure 14 calls for improvement of the Roselle/Floyd intersection to provide adequate capacity for projected traffic; the roundabout proposed at this location has been determined by the City's Traffic Engineer to provide the required capacity.

XVI. Utilities and Service Systems
None

XVII. Mandatory Findings of Significance
None
MODESTO CITY COUNCIL
RESOLUTION NO. 2006-302

A RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN ACCEPTANCE FORMS FOR GRANT DEEDS FOR THE ACQUISITION OF PROPERTIES OWNED BY IGNACIO HERNANDEZ (APN: 085-050-004); ALTAGRACIA RAMIREZ (APN: 085-050-005); AND ROBERT J. HESS AND PATRICIA M. HESS (APN: 085-050-006) FOR THE FLOYD-ROSELLE ROUNDABOUT PROJECT

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

WHEREAS, the City of Modesto desires to acquire portions of the following parcels for right of way for the Floyd-Roselle Roundabout Project from: Ignacio Hernandez (APN: 085-050-004); Altagracia Ramirez (APN: 085-050-005); and Robert J. Hess and Patricia M. Hess (APN: 085-050-006).

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager is hereby authorized to sign an acceptance form on behalf of the City of Modesto for three (3) Grant Deeds for the acquisition of portions of the properties owned by Ignacio Hernandez (APN: 085-050-004); Altagracia Ramirez (APN: 085-050-005); and Robert J. Hess and Patricia M. Hess (APN: 085-050-006) for the Floyd-Roselle Roundabout Project.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of May 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: RICHARD RUDNANSKY, Interim City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2006-303

A RESOLUTION APPROVING A LIST OF QUALIFIED UTILITY RATE
PROFESSIONALS TO ASSIST CITY WITH UTILITY USER FEE STUDIES
(WATER, WASTEWATER (SEWER), STORM DRAIN),
WATER/WASTEWATER (SEWER) CONNECTION FEE STUDY AND PEER
REVIEWS FOR A PERIOD OF FIVE (5) YEARS

WHEREAS, the last City of Modesto Wastewater (Sewer) Rate Study was
completed in 1998, and

WHEREAS, Public Works and Finance representatives developed a list of needs
for new studies. In March 2006, a Request for Qualifications ("RFQ") was mailed to 25
vendors and posted to our web site for Utility User Fee Studies (Water, Sewer, Storm
Drain), Water/Wastewater Connection Fee Study and Peer Reviews, and

WHEREAS, the objectives of the fee studies are to ensure that the City's water
and wastewater (sewer) utilities are adequately funded, and to have a strategy for
identifying and financing future operating and capital needs. More importantly, these
studies ensure that the City's user rates and fees are fair and equitable to its customers,
and

WHEREAS, on March 30 2006, the qualification committee consisting of an
outside banker, a Council member observer, and representatives from Public Works,
Finance, and the City Manager’s Office reviewed 9 RFQs and found all firms submitting
a statement of qualification to be qualified firms and recommended that only the top 5
firms be placed on an “approved” list for a period of 5 years and that interviews take
place with the top 3 firms. The five firms to be considered for the “approved list”
includes CH2MHiU, Brown and Caldwell, CDM, Hilton, Farnkopf & Hobson, and
MuniFinancial. On April 14th 2006, the selection committee comprised of staff from Public Works and Finance, with a Council member observer, conducted interviews with the top 3 firms, and

WHEREAS, a result of the formal presentations and interviews, the selection committee recommended Brown and Caldwell to conduct 2 rate projects (Wastewater (Sewer) Rate Study and Wastewater (Sewer) Connection Fee Study) and Hilton, Farnkopf and Hobson to conduct Peer Reviews of the studies as well as conduct the Water Connection Fee Study Review and Update,

WHEREAS, the Wastewater (Sewer) Rate Study, Wastewater (Sewer) Connection Fee study and Peer Review Selection Status was brought before the Finance Committee on April 24, 2006 as an informational item,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Modesto that it hereby approves a list consisting of the top 5 qualified utility rate professional firms (CH2M-Hill, Brown and Caldwell, CDM, Hilton, Farnkopf & Hobson, and MuniFinancial) for a period of five (5) years.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd of May 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

RICHARD RUNNANSKY, Interim City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2006-304

A RESOLUTION APPROVING AN AGREEMENT FOR CONSULTANT SERVICES WITH BROWN AND CALDWELL FOR THE PREPARATION OF A WASTEWATER (SEWER) RATE STUDY IN THE AMOUNT OF $108,000 AND A WASTEWATER (SEWER) CONNECTION FEE STUDY IN THE AMOUNT OF $35,800, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE SAID AGREEMENT

WHEREAS, Public Works and Finance representatives developed a list of needs for new studies, and

WHEREAS, the objectives of the rate/fee studies are to ensure that the City's water and wastewater (sewer) utilities are adequately funded, and have a strategy for identifying and financing future operating and capital needs, and

WHEREAS, as a result of the formal presentations and interviews, the selection committee recommended to City Council an Agreement For Consultant Services with Brown and Caldwell for the preparation of a Wastewater (Sewer) Rate Study in the amount of $108,000 and a Wastewater (Sewer) Connection Fee Study in the amount of $35,800, and authorizing the City Manager, or his designee, to execute said agreement,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Modesto that it hereby approves an Agreement For Consultant Services with Brown and Caldwell for the preparation of a Wastewater (Sewer) Rate Study in the amount of $108,000 and a Wastewater (Sewer) Connection Fee Study in the amount of $35,800.

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 23rd day of May 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: RICHARD RUDNANSKY, Interim City Attorney
A RESOLUTION APPROVING AN AGREEMENT FOR CONSULTANT SERVICES WITH HILTON, FARNKOPFT AND HOBSON FOR THE PREPARATION OF A PEER REVIEW FOR THE WASTEWATER (SEWER) RATE STUDY IN THE AMOUNT OF $21,850 AND A PEER REVIEW FOR THE WASTEWATER (SEWER) CONNECTION FEE STUDY IN THE AMOUNT OF $18,450, AND PREPARATION OF THE WATER CONNECTION FEE REVIEW AND UPDATE IN THE AMOUNT OF $19,590, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE SAID AGREEMENT

WHEREAS, Public Works and Finance representatives developed a list of needs for new utility studies, and

WHEREAS, the objectives of the rate/fee studies are to ensure that the City's water and wastewater utilities are adequately funded, and have a strategy for identifying and financing future operating and capital needs, and

WHEREAS, the Building Industry Association (BIA) requested a review and update for the Water Connection Fees, and

WHEREAS, the City Council has recommended to staff that peer reviews for Wastewater (Sewer) Rate Study, and Wastewater (Sewer) Connection Fee Study be conducted, and

WHEREAS, as a result of the formal presentations and interviews, the selection committee recommended to City Council an Agreement For Consultant Services with Hilton, Farnkopft and Hobson for the preparation of a Peer Review for the Wastewater (Sewer) Rate Study in the amount of $21,850 and a Peer Review for the Wastewater (Sewer) Connection Fee Study in the amount of $18,450, and preparation of a Water Connection Fee Review and Update in the amount of $19,590,
NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Modesto that it hereby approves an Agreement For Consultant Services with Hilton, Farnkopf and Hobson for the preparation of a Peer Review for the Wastewater (Sewer) Rate Study in the amount of $21,850 and a Peer Review for the Wastewater (Sewer) Connection Fee Study in the amount of $18,450, and preparation of a Water Connection Fee Review and Update in the amount of $19,590.

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 23rd of May, 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 Richard Rudnansky, Interim City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2006-306

A RESOLUTION APPROVING AN AGREEMENT FOR CONSULTANT SERVICES WITH HARRIS AND ASSOCIATES FOR THE WASTEWATER (SEWER) RATES PROPOSITION 218 PROPERTY NOTICING AND PROTEST HEARING PROCESS IN THE AMOUNT OF $79,800, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE SAID AGREEMENT

WHEREAS, Public Works and Finance representatives developed a list of needs for new utility studies, and

WHEREAS, the objectives of the rate/fee studies are to ensure that the City's water and wastewater utilities are adequately funded, and have a strategy for identifying and financing future operating and capital needs, and

WHEREAS, the City Council adheres to Proposition 218 when increasing sewer rates, and

WHEREAS, City staff desires the assistance of Harris and Associates with regard to Protest Noticing and the Public Hearing Process related to an increase in Wastewater (Sewer) Rates, and Harris and Associates has agreed to assist with regard to the Wastewater (Sewer) Rates Proposition 218 Property Noticing and Protest Hearing Process for the amount of $79,800,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Modesto that it hereby approves an Agreement For Consultant Services with Harris and Associates for the Wastewater (Sewer) Rates Proposition 218 Property Noticing and Protest Hearing Process in the amount of $79,800,

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 23rd of May 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

JBAN MORRIS, City Clerk

APPROVED AS TO FORM:

By

RICHARD RUDNANSKY, Interim City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2006-307

A RESOLUTION AMENDING THE FY 05-06 OPERATING BUDGET TO APPROPRIATE FUNDS TO CONDUCT UTILITY RATE STUDIES, REVIEWS AND RELATED ACTIVITIES AND CARRYING FORWARD THE BALANCES INTO THE FY 06/07 BUDGET IN ORDER TO COMPLETE THE RATE PROJECTS

WHEREAS, Public Works and Finance representatives developed a list of needs for new utility studies, and

WHEREAS, the objectives of the rate/fee studies are to ensure that the City’s water and wastewater utilities are adequately funded, and have a strategy for identifying and financing future operating and capital needs, and

WHEREAS, the utility rate projects include a Wastewater (Sewer) Rate Study ($108,000); Wastewater (Sewer) Connection Fee Study ($35,800); Wastewater (Sewer) Rate Study Peer Review ($21,850); Wastewater (Sewer) Connection Fee Peer Review ($18,450); Water Connection Fee Review and Update ($19,590); Wastewater (Sewer) Rate Protest Notice and Public Hearing Process ($79,800); and ($15,000) in Wastewater (Sewer) data extract, development, testing, and other costs, and

WHEREAS, in 2005 the Wastewater (Sewer) Rate Study’s budget was estimated at $150,000 and the Wastewater (Sewer) Connection Fee Study at $50,000. $122,160 of Wastewater (Sewer) money remains and will be transferred from the Finance Department to the Wastewater (Sewer) Fund in the administration account: 6210-480-5212-0235, to be used towards the Wastewater (Sewer) related rate projects. The sum of $15,000 will be used for data extracts and analysis, parcel database development, testing and miscellaneous expenses, while $107,160 will be used for rate/fee study invoices. An
additional $156,740 will be appropriated from the Wastewater (Sewer) reserves to the
administration account to combine with the remaining $107,160 to pay for the $263,900
of Wastewater (Sewer) Rate projects and related peer reviews, and

WHEREAS, after July 1, 2006, the entire $278,900 (or remaining balance) will
be transferred from the old administration account: 6210-480-5212-0235 to the new
Wastewater (Sewer) administration account: 6210-480-5209-0235, and

WHEREAS, the Water Connection Fee Review, $19,590 will be appropriated
from the Water Fund Reserves and transferred to the: 6100-480-5000-0235 account and
this amount will be rolled over to FY 06/07 to complete the review,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of
Modesto that it hereby approves a resolution amending the FY 05-06 Operating Budget
to Appropriate Funds into the proper professional services accounts to conduct rate
studies, reviews and related activities in the Wastewater (Sewer) fund in the amount of
$278,900 and in the water fund in the amount of $19,590 and said balances will be
carried forward into the FY 06/07 budget in order to complete the rate projects.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd of May 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:

Attest: Jean Morris
JEAN MORRIS, City Clerk

By: Richard Rudnansky, Interim City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2006-308

A RESOLUTION APPROVING AMENDMENT NO. 2 OF THE MASTER PROPERTY TAX AGREEMENT WITH THE COUNTY OF STANISLAUS, AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT, AND ACCEPT $490,216 IN GENERAL FUND REVENUE FOR CORRECTED PROPERTY TAX ALLOCATION

WHEREAS, the County of Stanislaus entered into a Master Property Tax Agreement with its nine cities on May 7, 1996, and

WHEREAS, on March 23, 2004, the City and County entered into Amendment No. 1 to the Master Property Tax Agreement which added a 1.8 acre parcel to the property tax revenue provisions of the original agreement, and

WHEREAS, pursuant to the Master Property Tax Agreement, the county agreed to share future growth in the assessed valuation of land increases in property tax revenue above the base amount, with 70% of the tax growth going to the County and 30% to the Cities, and

WHEREAS, City staff has identified the need to clarify the Master Property Tax Agreement with regard to the manner in which the calculation of said 70%/30% split was made, and

WHEREAS, County met with city representatives to review the allocation methodology and implementing language contained in the Master Property Tax Agreement, and
WHEREAS, County and city representatives concluded that the allocation methodology did not reflect the original intent of the Master Property Tax Agreement and that said Agreement should be amended to remove any ambiguity, and

WHEREAS, on September 21, 2005, representatives from the cities and County met again and developed recommended changes to the existing Master Property Tax Agreement, and

WHEREAS, representatives of the cities and County met with the County Auditor-Controller staff to review the revised allocations, and

WHEREAS, on March 7, 2006, the Chief Executive Office confirmed their review of the revised allocations to the cities and affirmed that the methodology was sound and complied with the spirit of the agreement, and

WHEREAS, the County Auditor-Controller will issue a check to the City of Modesto in the amount of $490,216 to correct City’s allocation,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto, that it hereby approves the Amendment No. 2 of the Master Property Tax Agreement with the County.

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

BE IT FURTHER RESOLVED that City staff is hereby authorized and directed to accept $490,216 from the County and to deposit $490,216 into the General Fund Reserves.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of May 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 Richard Rudnansky, Interim City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2006-309

A RESOLUTION AUTHORIZING THE PURCHASING MANAGER TO ISSUE FORMAL REQUEST FOR BIDS (RFB) FOR THE PURCHASE OF RENTAL EQUIPMENT ON A CITY WIDE BASIS FOR AN INITIAL THREE (3) YEAR PERIOD, WITH TWO (2) ADDITIONAL ONE-YEAR CONTRACT EXTENSION OPTIONS, AT THE SOLE DISCRETION OF THE CITY, FOR AN ESTIMATED ANNUAL COST OF $350,000

WHEREAS, the Public Works Department has requested the purchase of rental equipment, and is the primary user of rental equipment, and

WHEREAS, various divisions within the Public Works Department may have a need for rental equipment for City projects, and

WHEREAS, rental equipment has been used in the following projects over the last year:

1. The Water Division utilizes trailers, loaders and trenchers for City projects. The trailers are used to haul materials on large projects and loaders for large construction projects and the trenchers are used for water service replacement projects.

2. The Electrical Division’s use of routine, short-term rental equipment is needed for routine repair projects, accident/damage recoveries and during installation of new streetlights and traffic signals. Concrete saws and trenchers are the most frequently used pieces of equipment for routine operations, and

3. The Primary and Secondary Water Quality Control (WQC) facilities use various types of rental equipment for maintenance of the primary and secondary treatment plants, as well as the Ranch and Compost facilities.
The equipment is not used frequently enough to justify its purchase by the City and is not available through the City Fleet Services Division. Each year, managers, re-evaluate the rental cost of various pieces of rental equipment to determine if purchase of the equipment is more economical than renting.

4. The Forestry/Parks Divisions utilizes trenchers to install irrigation equipment for various City projects.

and

WHEREAS, rental equipment used over the last fiscal year consisted of:
trenchers, rollers, concrete saws, saws, trailers, one-half ton pickups, water trucks, dump trucks, forklifts, loaders, crane trucks, compactors, air compressors, and jack hammers, and

WHEREAS, by soliciting competitive bids, the City will achieve the best value for rental equipment and meet Modesto Municipal Code, (MMC) requirement for formal bids, and

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

WHEREAS, this Request for Bid (RFB) for the purchase of rental equipment on a City wide basis process conforms to Modesto Municipal Code Section 8-3.203, and

WHEREAS, the City Council has appropriated funds for rental equipment in the following accounts: 6180-Various-85 (Water Fund-CIP), 0100-350-32522-0216 (General Fund), 6210-480-5213-0216 (Sewer Operations), 6210-480-5214-0216 (Sewer
Operations), 0700-480-4622-0218 (Street, Traffic & Forestry), 0700-160-1612-0365 (Street, Traffic & Forestry), 0700-160-1612-0308 (Street, Traffic & Forestry), and

WHEREAS, the Purchasing Division has coordinated the drafting of bid specifications for rental equipment with the Public Works Department staff,

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

SECTION 1. The City Clerk is hereby authorized to call for public competitive sealed bids for the purchase of rental equipment, for an initial three (3) year period, with two (2) additional one-year contract extension options, at the sole discretion of City, to be opened in the office of the City Clerk, 1010 10th Street, in the City of Modesto. The City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 2. After bids are opened they shall be tabulated and analyzed by the Purchasing Division and a report submitted to the Council.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of May 2006, by 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: RICHARD RUDNANSKY, Interim City Attorney

ATTEST: JEAN MORRIS, City Clerk
A RESOLUTION AUTHORIZING THE PURCHASING MANAGER TO ISSUE FORMAL REQUEST FOR BIDS (RFB) FOR DIGESTER CLEANING FOR AN INITIAL THREE (3) YEAR PERIOD, WITH TWO (2) ADDITIONAL ONE-YEAR CONTRACT EXTENSION OPTIONS, AT THE SOLE DISCRETION OF THE CITY, FOR AN ESTIMATED ANNUAL COST OF $35,936, WITH FUNDING BUDGETED IN FY 2006/2007

WHEREAS, the Public Works Department-Water Quality Control Division has requested the cleaning of digesters, and

WHEREAS, digesters are utilized to reduce the volume of organic waste that is removed from the waste water in the Primary clarifiers, and

WHEREAS, cleaning of digesters removes solids that will not break down in the digestion process, and

WHEREAS, this cleaning ensures that proper operating and energy efficiency is maintained, and

WHEREAS, the anaerobic digester process does not break down inorganic material such as sand and plastic, and

WHEREAS, cleaning of anaerobic digesters is standard operating procedure for all wastewater treatment plants, and

WHEREAS, by soliciting competitive bids, the City will achieve the best value for digester cleaning and meet Modesto Municipal Code (MMC) requirements for formal bids, and

WHEREAS, Modesto Municipal Code Section 8-3.203 requires all purchases, which meet or exceed $50,000 for material, equipment, or contractual services to be formally bid, and
WHEREAS, this Request for Bid (RFB) for digester cleaning conforms to Modesto Municipal Code Section 8-3.203, and

WHEREAS, the City Council has appropriated funds for digester cleaning in account number 6210-480-5213-0235 (SEWER OPERATIONS FUND) for FY 2006/2007, and

WHEREAS, the Public Works Department has included $35,936 in their operating budget for sewer operations fund, which includes finding for digester cleaning, and

WHEREAS, the estimated annual cost for digester cleaning is $35,936, and

WHEREAS, the Purchasing Division has coordinated the drafting of bid specifications for digester cleaning with Public Works Department-Water Quality Control,

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

SECTION 1. The City Clerk is hereby authorized to call for public competitive sealed bids for digester cleaning for an initial three (3) year period, with two (2), additional one-year contract extension options, at the sole discretion of the City, to be opened in the office of the City Clerk, 1010 10th Street, in the City of Modesto. The City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 2. After sealed bids are opened they shall be tabulated and analyzed by the Purchasing Division and a report submitted to the Council.
The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 23rd day of May 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

JHAN MORRIS, City Clerk

APPROVED AS TO FORM:

By: Richard Rudnansky, Interim City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2006-311

A RESOLUTION AUTHORIZING THE AWARD OF BID AND CONTRACT TO COOPER CONTROLS AND ELECTRICAL SERVICES OF ACAMPO, CA FOR
INDUSTRIAL FLOW METER CALIBRATIONS FOR AN INITIAL THREE (3)
YEAR PERIOD, WITH TWO (2) ADDITIONAL ONE-YEAR CONTRACT
EXTENSION OPTIONS, AT THE SOLE DISCRETION OF THE CITY, FOR A
TOTAL ESTIMATED ANNUAL COST OF $12,832

WHEREAS, the Public Works Department-Environmental Compliance Section
has requested that a certified impartial vendor perform industrial and Water Quality
Control Facility (WQCF) flow meter calibrations, and

WHEREAS, the Environmental Compliance Section is responsible for monitoring
flow meter data to determine industry compliance with City issued Pretreatment
Wastewater Discharge Permit requirements, and

WHEREAS, pretreatment permits require industries to install and maintain
effluent meters, and

WHEREAS, meter calibration confirms compliance with permit requirements,
and

WHEREAS, impartial meter calibration reduces potential challenges, based on
effluent meter accuracy, should a permitted industry not meet compliance with a permit
limit requirement, and

WHEREAS, industrial flow meter calibration is needed because local industries
that meet the requirements in the Code of Federal Regulation (40 CFR, 403.12) must be
enrolled in the City’s Pretreatment Program, and

WHEREAS, these industries are assigned permit limits for pollutants that are
discharged to the City sewer system, and
WHEREAS, flow meter data is required to track compliance with permitted discharge limits, and

WHEREAS, flow meter data is required to calculate industrial sewer billing for flow, Biochemical Oxygen Demand (BOD) and Total Suspended Solids (TSS), and

WHEREAS, the effluent flow meter provides a signal for flow proportional sampling equipment to collect samples, and

WHEREAS, accurate flow measurement ensures valid and representative sample collection at each industry, and

WHEREAS, sample results and flow data are required to calculate industrial user compliance with permit concentration limits for BOD and TSS, and

WHEREAS, the WQCP and the Jennings Road Facility site have both the influent (measures incoming flows) and effluent (measures discharge flows) meters, and

WHEREAS, the industries enrolled in the pretreatment program have effluent meters, and must be calibrated semi-annually, and

WHEREAS, industry effluent meters and all meters (influent, effluent and operational process) within the WQCF system are checked before the start of the cannery-processing season, and

WHEREAS, the second calibration is scheduled for approximately six months later, and

WHEREAS, the City of Modesto WQCF NPDES Permit, Board Order 5-01-120, requires submission of a written report each year by January 30th, to the California Regional Water Quality Control Board, United States Environmental Protection Agency
(USEPA), Regional Administrator, and the State Water Resource Control Pretreatment
Program Manager, and

WHEREAS, the report must contain a statement certifying when the flow meters
and other monitoring instruments and devices were last calibrated, including who
performed the calibration, and

WHEREAS, the City contracts with a certified third party vendor to ensure
impartial meter calibrations, and

WHEREAS, Resolution No. 2005-475 authorized the Purchasing Manager to
solicit bids for industrial flow meter calibrations, and

WHEREAS, the Purchasing Division solicited formal bids for industrial flow
meter calibration on Request for Bid (RFB) 0506-12, with a bid opening date of March
14, 2006, and

WHEREAS, thirteen (13) vendors were solicited, of which none were local
vendors, and

WHEREAS, out of thirteen (13) vendors solicited, two (2) chose to respond, and

WHEREAS, the Purchasing Division and Public Works Department-
Environmental Compliance Section evaluated bids, and

WHEREAS, Cooper Controls and Electrical Services was deemed to be the
lowest responsive and responsible bidder, and

WHEREAS, the total approximate annual amount for industrial flow meter
calibrations is $12,932 with a five-year total approximate amount of $64,160, and
WHEREAS, Modesto Municipal Code Section 8-3.203 requires all purchases, which meet or exceed $50,000 for material, 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, MCC (8-3.203 (a), and

WHEREAS, this requirement for industrial flow meter calibration received said approval with Resolution No. 2005-475, and

WHEREAS, this Request for Bid (RFB) process conforms to City Code, and

WHEREAS, the City Council has appropriated funds for industrial flow meter calibrations in account number 6210-480-5217-0235-50 (SEWER OPERATIONS FUND),

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes award of bid and contact for industrial flow meter calibrations to Cooper Controls and Electrical Services of Acampo, CA for an initial three (3) year period, with two (2) additional one-year contact extension options, at the sole discretion of the City, for a total approximate annual cost of $12,832.

BE IT FURTHER RESOLVED that the Purchasing Manager is hereby authorized to issue a purchase order for industrial flow meter calibrations as set forth herein.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23\textsuperscript{rd} day of May 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: \underline{Jean Morris}  
JEAN MORRIS, City Clerk

APPROVED AS TO FORM:

By: \underline{Richard Rudnansky}  
Interim City Attorney
RESOLUTION AUTHORIZING THE PURCHASING MANAGER TO ISSUE FORMAL REQUEST FOR BIDS (RFB) FOR THE PURCHASE OF LIQUID SULPHUR DIOXIDE FOR AN INITIAL THREE (3) YEAR PERIOD, WITH TWO (2) ADDITIONAL ONE-YEAR CONTRACT EXTENSION OPTIONS, AT THE SOLE DISCRETION OF THE CITY, FOR AN ESTIMATED ANNUAL COST OF $60,000, WITH FUNDING BUDGETED IN FY 2006/2007

WHEREAS, the Public Works Department-Water Quality Control Plant (WQCP) has requested the purchase of sulphur dioxide (SO2), and

WHEREAS, liquid sulphur dioxide is used at the Secondary Water Quality Control facility to dechlorinate secondary treated wastewater before it is discharged into the San Joaquin River, and

WHEREAS, the Secondary Water Control Plant was constructed in 1967, and

WHEREAS, a liquid sulphur dioxide system was installed in 1985, and

WHEREAS, the system consists of one (1) 50,000 pound bulk storage tank and two (2) 1,900 pound sulfonators, and

WHEREAS, failure to perform dechlorination can result in fines up to $10,000 per day, and

WHEREAS, the City of Modesto is responsible for the proper disinfection of water that is discharged into the San Joaquin River based on the Regional Water Quality Control Board (RWQCB) permit. The RWQCB permit is designed to protect the river habitat and surrounding environment, and

WHEREAS, the river discharge season is form October 1st through May 31st, and
WHEREAS, by soliciting competitive bids, the City will achieve the best value for liquid sulphur dioxide and meet Modesto Municipal Code (MMC) requirements for formal bids, and

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

WHEREAS, this Request for Bid (RFB) for the purchase of liquid sulphur dioxide conforms to Modesto Municipal Code Section 8-3-203, and

WHEREAS, the City Council has appropriated funds and made funds available in account number 6210-480-5214-0312 (SEWER OPERATIONS FUND) for FY 2006/2007, and

WHEREAS, the Public Works Department has included $60,000 in their operating budget for sewer operations fund, which includes funding for liquid sulphur dioxide, and

WHEREAS, the estimated annual cost for liquid sulphur dioxide is $60,000 for FY 2006/2007.

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

SECTION 1. The City Clerk is hereby authorized to call for public competitive sealed bids for the purchase of liquid sulphur dioxide, for an initial three (3) year period, with two (2) additional one-year contract extension options, at the sole discretion of the City, to be opened in the office of the City Clerk, 1010 10th Street, in the City of
Modesto. The City Clerk is hereby directed to give notice inviting such sealed bids in the
time, form, and manner provided by law.

SECTION 2. After bids are opened they shall be tabulated and analyzed by the
Purchasing Division and a report submitted to the Council.

The foregoing resolution was introduced at a special meeting of the Council of the
City of Modesto held on the 23rd day of May 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: RICHARD RUDNANSKY, Interim City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2006-313

A RESOLUTION AUTHORIZING THE PURCHASING MANAGER TO SOLICIT FORMAL REQUEST FOR BIDS (RFB) FOR THE PURCHASE OF LIQUID FERRIC CHLORIDE FOR AN INITIAL THREE (3) YEAR PERIOD, WITH TWO (2) ADDITIONAL ONE-YEAR CONTRACT EXTENSION OPTIONS, AT THE SOLE DISCRETION OF THE CITY, FOR AN ESTIMATED ANNUAL COST OF $66,300, WITH FUNDING BUDGETED IN FY 2006/2007

WHEREAS, the Water Quality Control Plant (WQCP) has requested the purchase of liquid ferric chloride, and

WHEREAS, odors and corrosion are generated in the wastewater collections system and treatment process due to natural occurring levels of hydrogen sulfide, and

WHEREAS, to properly control the hydrogen sulfide gas, staff must inject a non-hazardous solution of iron, in the form of ferric chloride, into the influent wastewater at the primary treatment plant, and

WHEREAS, ferric chloride can be safely handled and does not require specialized control or safety devices for use, and

WHEREAS, the WQCP has estimated the normal annual usage of liquid ferric chloride to be approximately 147,680 gallons or approximately 2,840 gallons per week, and

WHEREAS, by soliciting competitive bids, the City will achieve the best value for liquid ferric chloride and meet Modesto Municipal Code (MMC) requirements for formal bids, and

WHEREAS, Modesto Municipal Code 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, this Request for Bid (RFB) for the purchase of liquid ferric chloride process conforms to Modesto Municipal Code, and

WHEREAS, the City Council has appropriated funds and made funds available for liquid ferric chloride in account number: 6210-480-5213-0312 (SEWER OPERATIONS FUND) for FY 2006/2007, and

WHEREAS, the Public Work Department has included $66,300 in their operating budget for sewer operations fund for FY 2006/2007, which includes funding for liquid ferric chloride, and

WHEREAS, the estimated annual cost for liquid ferric chloride based on normal usage volume is $66,300,

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

SECTION 1. The City Clerk is hereby authorized to call for public competitive sealed bids for the purchase of liquid ferric chloride, for an initial three (3) year period, with two (2) additional one-year contract extension options, at the sole discretion of the City, to be opened in the office of the City Clerk, 1010 10th Street, in the City of Modesto. The City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 2. After bids are opened they shall be tabulated and analyzed and a report submitted to the Council.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of May 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, Mash, O'Bryant, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Morris
JEAN MORRIS, City Clerk

APPROVED AS TO FORM:

By: Richard Rubansky, Interim City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2006-314

A RESOLUTION AUTHORIZING NO AWARD OF PROPOSAL AND CONTRACT FOR THE INTEGRATED PUBLIC SAFETY SYSTEM RFP RELEASED IN OCTOBER 2004, BY GARTNER CONSULTING, ON BEHALF OF THE CITY OF MODESTO

WHEREAS, Gartner Consulting released an Integrated Public Safety System RFP on behalf of the City of Modesto in October 2004, and

WHEREAS, the RFP responses and proposals were reviewed, evaluated, and ranked by the inter-agency selection team, and

WHEREAS, a single solution or vendor consensus could not be reached after having extensive discussions and evaluations, and

WHEREAS, the Executive team for the RFP process agreed that under the existing RFP requirements, a vendor could not be selected, and

WHEREAS, Section I-K paragraph 2 in the RFP states, “SR911 members agencies and the City reserve the right to reject any or all proposals, or to make no award.” Section I.R in the RFP further states, “SR911 and the City reserve the right to reject any or all bids and any item or items therein.”

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes no award of proposal and contract for the Integrated Public Safety System RFP released in October 2004, by Gartner Consulting, 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 23rd day of May 2006, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmemeber 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: Richard Rudnansky, Interim City Attorney
A RESOLUTION AUTHORIZING THE AGENCY-APPROVED CONSULTANT (THAYER CONSULTING), TO RE-ISSUE A FORMAL REQUEST FOR PROPOSAL (RFP) FOR INTEGRATED PUBLIC SAFETY SYSTEMS

WHEREAS, in December 2003, the Joint Powers Agency (JPA) approved a project with Gartner Consulting to select a replacement/upgrade system for our Computer Aided Dispatch System (CAD) and Integrated Public Safety System, and

WHEREAS, Gartner Consulting issued a Request For Proposal (RFP) with responses due on or before January 11, 2005, and

WHEREAS, after an in-depth review, it was determined that the proposed solutions provided in the submitted proposal responses did not meet all of the requirements of the participating agencies, and

WHEREAS, as a result, the evaluation committee could not make a recommendation to award the proposal, and

WHEREAS, on October 12, 2004, City Council approved the request to issue a RFP for CAD and Integrated Public Safety system, and

WHEREAS, the primary Gartner Consultant is now employed with the agency-approved Thayer Consulting LLC and continues to work on the CAD project, and

WHEREAS, this project represents a joint effort between the City and the County, with costs to be shared equally, and

WHEREAS, funding sources for the project are yet to be determined, but City and County are continuing to jointly pursue several possible funding sources for the implementation phase of this project, including Local, State, and Federal grants, and
WHEREAS, City desires to reissue the Integrated Public Safety System RFP in order to take advantage of new technologies that are available to Public Safety organizations.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the JPA's Consultant, Thayer Consulting LLC, to re-issue a formal request for proposal (RFP) for Integrated Public Safety Systems.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of May 2006, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Council member 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 Richard Rudnansky, Interim City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2006-316

A RESOLUTION APPROVING AN AGREEMENT WITH SIDLEY AUSTIN LLP FOR OUTSIDE LEGAL COUNSEL SERVICES RELATED TO THE WASTE-TO-ENERGY PROJECT AT A NOT-TO-EXCEED COST OF $100,000 PER YEAR IN ANY SINGLE CALENDAR YEAR WITH A COMBINED NOT-TO-EXCEED COST OF THIS MULTI-YEAR AGREEMENT OF $500,000, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT

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

and

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

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

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

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

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

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

WHEREAS, at its March 23, 2006, meeting the Waste-to-Energy Financing Agency concurred with staff's recommendation, and

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

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

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

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

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

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

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

BE IT FURTHER RESOLVED that the 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 23rd day of May 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: Richard Rudnansky, Interim City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2006-317

A RESOLUTION AUTHORIZING STAFF TO SEND INVITATIONS TO QUALIFIED AND INVOLVED NON-PROFIT 501(c)3 ORGANIZATIONS TO SUBMIT "LETTERS OF INTEREST" TO BE CONSIDERED TO ENTER INTO A MANAGEMENT AGREEMENT WITH THE CITY OF MODESTO TO OPERATE THE KING-KENNEDY MEMORIAL CENTER (KKMC)

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

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

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

WHEREAS, in January 1969, the City and WNCI entered into another agreement, which stated that due to the lack of an anticipated funding source, the WNCI did not have the funding to operate the new facility, and according to the application filed with HUD for the building funds, the City of Modesto made a commitment to operate the neighborhood facility, and
WHEREAS, in May 1969, the name of the community center was changed to the King-Kennedy Memorial Center (KKMC) and a dedication ceremony occurred on June 29, 1969, and

WHEREAS, the City of Modesto dedicates $400,799 annually for the facilities, staffing and programming budget at KKMC, and

WHEREAS, staff from the Parks, Recreation and Neighborhoods Department believes that the timing may be right to inquire if a non-profit community group is interested in operating the KKMC under a management agreement, and

WHEREAS, at its meeting on May 1, 2006, the Safety and Communities Committee supported staff’s recommendation,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby authorizes staff to send invitations to qualified and involved non-profit 501(c)3 organizations to submit “Letters of Interest” to be considered to enter into a management agreement with the City of Modesto to operate the King-Kennedy Memorial Center (KKMC).
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of May 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: RICHARD RUDNANSKY, Interim City Attorney

WHEREAS, the Memorandum of Understanding (MOU) between the City of Modesto (CITY) and the Modesto City Employees Association (MCEA) expired on July 25, 2005, and

WHEREAS, the CITY and MCEA have been operating under the terms and conditions of an Implementation Document, imposed by City Council on September 27, 2005, pursuant to Resolution Number 2005-484, and

WHEREAS, representatives of the CITY and the MCEA have met and conferred in good faith concerning wages, hours, terms and conditions of employment for employees in said bargaining unit, and

WHEREAS, pursuant to an Agenda Report dated May 9, 2006, a copy of which report is on file in the office of the City Clerk, the CITY and MCEA have reached agreement on a new MOU which, upon execution, shall replace the Implementation Document and shall be attached hereto and made a part hereof, and

WHEREAS, the MOU provides as follows:

SECTION 1. SALARY INCREASE. The current salary schedule effective February 21, 2006 shall remain in full force and effect through February 19, 2007. An across-the-board salary increase of 2.5% shall be effective February 20, 2007. This
salary increase is in lieu of the 3% increase previously authorized by Resolution No. 2005-484, and which would have been effective on February 20, 2007.

SECTION 2. HEALTH, DENTAL AND VISION BENEFITS. The City’s contribution to employees’ Health, Dental and Vision coverage shall be as follows:

<table>
<thead>
<tr>
<th></th>
<th>7/26/05</th>
<th>7/25/06</th>
</tr>
</thead>
<tbody>
<tr>
<td>Family</td>
<td>$617</td>
<td>$812</td>
</tr>
<tr>
<td>Single</td>
<td>400</td>
<td>445</td>
</tr>
<tr>
<td>Opt Out</td>
<td>350</td>
<td>375</td>
</tr>
</tbody>
</table>

SECTION 3. ADDITIONAL CHANGES. Other negotiated additions, deletions or amendments to the text of the Memorandum of Understanding deal with standby, licenses and certificates, fatigued employees, call back, pay differentials, coveralls, sick leave accrual, health contributions, outside employment renegotiations, maintenance of membership, job actions, and full understanding and waiver, and

WHEREAS, the Council considered this matter at its meeting of May 23, 2006,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Memorandum of Understanding (MOU) between the City of Modesto and the Modesto City Employees Association (MCEA), which covers a term from May 23, 2006 through July 23, 2007, and upon execution of same, a copy of the MOU will be on file in the office of the City Clerk.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that Resolution No. 2005-484 is hereby rescinded effective May 22, 2006.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of May 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: Richard Rudnansky, Interim City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2006-319


WHEREAS, on May 23, 2006, the City Council adopted Resolution No. 2006-318 approving a Memorandum of Understanding (MOU) between the City of Modesto and the Modesto City Employees Association (MCEA) and setting forth salary schedules for general non-sworn classes, and

WHEREAS, Council desires to establish a Class Range Table for said classes,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves the Class Range Table for General Non-Sworn Classes, entitled “City of Modesto Class Range Table General Non-Sworn Classes Effective May 23, 2006” which is attached hereto as Exhibit “A” and made a part hereof as though set forth in full herein.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that Resolution No. 2005-485 is hereby rescinded effective May 22, 2006.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of May, 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: RICHARD RUDNANSKY, Interim City Attorney
<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
</tr>
</thead>
<tbody>
<tr>
<td>101</td>
<td>Custodian I</td>
</tr>
<tr>
<td>103</td>
<td>Administrative Office Assistant I</td>
</tr>
<tr>
<td>104</td>
<td></td>
</tr>
<tr>
<td>105</td>
<td></td>
</tr>
<tr>
<td>106</td>
<td></td>
</tr>
</tbody>
</table>
| 107   | Administrative Office Assistant II  
Custodian II  
Police Clerk I |
| 108   | |
| 109   | Customer Services Account Clerk I |
| 110   | Security Officer  
Maintenance Worker I |
| 111   | Account Clerk  
Administrative Office Assistant III  
Customer Services Account Clerk II  
Police Clerk II |
| 112   | |
| 113   | Administrative Technician  
Computer Operator  
Drafting and Graphics Technician |
| 114   | Animal Control Officer I  
Electrical Technician I  
Equipment Service Technician  
Evidence and Property Specialist  
Maintenance Worker II  
Production Technician  
Storeskeeper |

Exhibit “A”
<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
</tr>
</thead>
</table>
| 115   | Accounting Technician  
                  Administrative Services Technician I  
                  Code Enforcement Officer I  
                  Community Service Officer I  
                  Customer Services Account Clerk III  
                  Senior Administrative Office Assistant  
                  Wastewater Treatment Plant Attendant |
| 116   | Equipment Operator  
                  Fire Prevention Technician I  
                  Motor Sweeper Operator  
                  Traffic Operations Technician  
                  Used Oil Coordinator  
                  Wastewater Collection System Operator  
                  Water Distribution System Operator |
| 117   | Electrical Technician II |
| 118   | Customer Services Accounting Technician  
                  Fleet Procurement Specialist  
                  Parking Lot Maintenance Crewleader  
                  Parks Crewleader  
                  Recreation Coordinator  
                  Senior Storeskeeper  
                  Tree Trimmer |
| 119   | Administrative Services Technician II  
                  Animal Control Officer II  
                  Assistant Buyer  
                  Building Maintenance Mechanic  
                  Civil Engineering Technician I  
                  Code Enforcement Officer II  
                  Community Service Officer II  
                  Maintenance Mechanic – Parks  
                  Maintenance Mechanic – Pumps  
                  Public Information Technician  
                  Wastewater Treatment Plant Operator |

Exhibit “A”
<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
</tr>
</thead>
</table>
| 120   | Accountant I  
       | Assistant Electrician  
       | Equipment Mechanic  
       | Fire Prevention Technician II  
       | Laboratory Analyst I  
       | Senior Equipment Operator  
       | Traffic Painter Crewleader  
       | Water Resource Specialist I  
       | Welder/Fabricator |
| 121   | Wastewater Treatment Plant Relief Operator |
| 122   | Heavy Equipment Mechanic  
       | Cross Connection Specialist  
       | Fire Equipment Mechanic  
       | Law Enforcement Academy Recruit  
       | Tree Trimmer Crewleader  
       | Water Conservation Specialist |
| 123   | Airport Maintenance Crewleader  
       | Civil Engineering Technician II  
       | Identification Technician I  
       | Maintenance Mechanic Crewleader – Parks |
| 124   | Community Development Program Specialist I  
       | Environmental Compliance Inspector I  
       | Equipment Mechanic Crewleader  
       | Laboratory Analyst II  
       | Operation and Maintenance Crewleader  
       | Planning Assistant  
       | Plant Mechanic  
       | Water Resource Specialist II |
| 125   | Crime Analyst |
| 126   | Building Inspector I  
       | Electrician  
       | Heavy Equipment Mechanic Crewleader  
       | Housing Financial Specialist  
       | Housing Rehabilitation Specialist I |

Exhibit “A”
City of Modesto  
Class Range Table – General Non-Sworn Classes  
Page 4  

<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
</tr>
</thead>
</table>
| 127   | Civil Engineering Assistant  
Identification Technician II  
Senior Fire Equipment Mechanic |
| 128   | Community Development Program Specialist II  
Environmental Compliance Inspector II  
Instrument Repair Technician  
Senior Wastewater Treatment Plant Operator |
| 129   | |
| 130   | Building Inspector II  
Construction Inspector  
Housing Rehabilitation Specialist II  
Project Coordinator |
| 131   | Senior Civil Engineering Assistant |
| 132   | Environmental Review Specialist  
Senior Environmental Compliance Inspector |
| 133   | |
| 134   | Deputy Fire Marshall  
Plan Review Engineer  
Senior Building Inspector  
Senior Construction Inspector |

Exhibit "A"

WHEREAS, the Memorandum of Understanding (MOU) between the City of Modesto (CITY) and the Modesto Confidential and Management Association (MCMA) expired on June 27, 2005, and

WHEREAS, the CITY and MCMA have been operating under the terms and conditions of an Implementation Document, imposed by City Council on October 4, 2005, pursuant to Resolution Number 2005-493, and

WHEREAS, representatives of the CITY and the MCMA have met and conferred in good faith concerning wages, hours, terms and conditions of employment for employees in said bargaining unit, and

WHEREAS, pursuant to an Agenda Report dated May 16, 2006, a copy of which report is on file in the office of the City Clerk, the CITY and MCMA have reached agreement on a new MOU which, upon execution, shall replace the Implementation Document and shall be attached hereto and made a part hereof, and

WHEREAS, the MOU provides as follows:

SECTION 1. HEALTH, DENTAL AND VISION BENEFITS. The City’s contribution to employees’ Health, Dental and Vision coverage shall be as follows:

<table>
<thead>
<tr>
<th></th>
<th>7/26/05</th>
<th>7/25/06</th>
</tr>
</thead>
<tbody>
<tr>
<td>Family</td>
<td>$722</td>
<td>$812</td>
</tr>
<tr>
<td>Single</td>
<td>435</td>
<td>480</td>
</tr>
<tr>
<td>Opt Out</td>
<td>385</td>
<td>390</td>
</tr>
</tbody>
</table>
SECTION 2. ADDITIONAL CHANGES. Other negotiated additions, deletions or amendments to the text of the Memorandum of Understanding deal with compensatory time off, acting and out-of-class pay, catastrophic leave, sick leave accrual, job actions, and full understanding and waiver, and

WHEREAS, the Council considered this matter at its meeting of May 23, 2006,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Memorandum of Understanding (MOU) between the City of Modesto and the Modesto Confidential and Management Association (MCMA), which covers a term from May 23, 2006 through June 25, 2007, and upon execution of same, a copy of the MOU will be on file in the office of the City Clerk.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that Resolution No. 2005-493 is hereby rescinded effective May 22, 2006.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of May, 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: RICHARD RUDNANSKY, Interim City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2006-321


WHEREAS, on May 23, 2006, the City Council adopted Resolution No. 2006-320 approving a Memorandum of Understanding (MOU) between the City of Modesto and the Modesto Confidential and Management Association (MCMA) setting forth salary schedules for Represented Management and Confidential Non-Sworn Classes and rescinding Resolution No. 2005-493 effective May 22, 2006, and

WHEREAS, Council desires to establish a Class Range Table for said classes,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Class Range Table for Represented Management and Confidential Non-Sworn Classes, entitled “City of Modesto Class Range Table Represented Management and Confidential Non-Sworn Classes Effective May 23, 2006” which is attached hereto as Exhibit “A” and made a part hereof as though set forth in full herein.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that Resolution No. 2005-494 is hereby rescinded effective May 22, 2006.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of May, 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: Richard Rudnansky, Interim City Attorney
## CITY OF MODESTO
### CLASS RANGE TABLE
### REPRESENTED MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES
### Effective May 23, 2006

<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
</tr>
</thead>
<tbody>
<tr>
<td>403</td>
<td></td>
</tr>
</tbody>
</table>
| 407   | Administrative Clerk II (Confidential)  
       | Administrative Office Assistant II (Confidential) |
| 408   |       |
| 409   |       |
| 410   |       |
| 411   | Administrative Office Assistant III (Confidential)  
       | Police Clerk II (Confidential) |
| 412   |       |
| 413   | Administrative Technician (Confidential) |
| 414   |       |
| 415   | Senior Administrative Office Assistant (Confidential)  
       | Secretary |
| 416   |       |
| 417   |       |
| 418   | Legal Secretary  
       | Systems Technician I |
| 419   | Public Information Technician (Confidential) |
| 420   | Accountant I (Confidential)  
       | Deputy City Clerk  
       | Employee Benefits Coordinator  
       | Executive Secretary (Represented)  
       | Legal Services Technician |
| 421   |       |

Exhibit "A"
<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
</tr>
</thead>
</table>
| 422   | Office Supervisor  
       | Utility Dispatch Supervisor  
       | Workers’ Compensation Claims Examiner I  
       | Systems Technician II |
| 423   | Custodian Supervisor |
| 424   | Assistant Planner  
       | Buyer  
       | Police Facilities Coordinator |
| 425   | Administrative Analyst I |
| 426   | Supervising Animal Control Officer  
       | Police Civilian Supervisor  
       | Stores Manager  
       | Systems Technician III |
| 427   | Assistant City Clerk/Auditor  
       | Legal Services Administrator  
       | Workers’ Compensation Claims Examiner II |
| 428   | Accountant II (Represented)  
       | Senior Buyer |
| 429   | |
| 430   | Associate Planner  
       | Community Services Supervisor  
       | Events Coordinator  
       | Junior Civil Engineer  
       | Junior Traffic Engineer  
       | Senior Crime Analyst  
       | Software Analyst I |
| 431   | Administrative Analyst II  
       | Assistant Risk Manager  
       | Budget Analyst I  
       | Personnel Analyst  
       | Recycling Program Coordinator |

Exhibit “A”
RANGE  TITLE

432  Communications Specialist
     Compost Facility Supervisor
     Customer Services Supervisor
     Neighborhood Preservation Supervisor
     Operations and Maintenance Supervisor
     Recreation Supervisor II
     Senior Accountant
     Water Quality Control Maintenance Supervisor
     Water Quality Control Operations Supervisor

433  Organizational Development Specialist

434  Assistant Civil Engineer
     Assistant Traffic Engineer
     Budget Analyst II
     Environmental Laboratory Supervisor
     Operations Supervisor
     Regulatory Compliance Supervisor
     SCADA Supervisor
     Senior Community Development Program Specialist
     Senior Housing Rehabilitation Specialist
     Software Analyst II
     Supervising Accountant
     Systems Engineer I

435  Business Analyst
     Cultural Services Manager
     Emergency Medical Services Coordinator
     Integrated Waste Specialist
     Management Analyst
     Senior Personnel Analyst
     Weed and Seed Program Coordinator

436  Electrical Supervisor
     Senior Planner

437  

Exhibit “A”
<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
</tr>
</thead>
</table>
| 438   | Budget Officer  
|       | Events Supervisor  
|       | Fire Business Services Analyst  
|       | Housing Program Supervisor  
|       | Land Surveyor  
|       | Property Agent  
|       | Senior Business Analyst  
|       | Software Analyst III  
|       | Systems Engineer II |
| 439   | Administrative Services Officer  
|       | Community Facilities Districts Administrative Officer |
| 440   | Associate Civil Engineer  
|       | Associate Traffic Engineer  
|       | Transportation Planner |
| 441   | Airport Manager  
|       | Building Maintenance Superintendent  
|       | Fleet Manager  
|       | Housing and Urban Development Manager  
|       | Parks Operations Superintendent  
|       | Parks Planning and Development Manager  
|       | Purchasing Manager  
|       | Recreation Superintendent  
|       | Streets Superintendent  
|       | Urban Forestry Superintendent  
|       | Wastewater Collections Superintendent  
|       | Water Superintendent |
| 442   | Customer Services Division Manager  
|       | Manager of Budget and Financial Analysis  
|       | Software Analyst IV  
|       | Supervising Building Inspector  
|       | Supervising Construction Inspector  
|       | Systems Engineer III |
| 443   |       |

Exhibit "A"
<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
</tr>
</thead>
</table>
| 444   | Deputy Chief Building Official  
|       | Principal Planner  
|       | Solid Waste Program Manager  
|       | Transit Manager |
| 445   | Accounting Division Manager |
| 446   | Information Technology Unit Manager  
|       | Wastewater Treatment Plant Manager |
| 447   | Business Development Division Manager  
|       | Chief Building Official  
|       | Planning Division Manager  
|       | Senior Civil Engineer  
|       | Traffic Engineer |
| 448   |       |
| 449   |       |
| 450   |       |
| 451   |       |
| 452   |       |
| 453   |       |
| 455   |       |

Exhibit “A”
MODESTO CITY COUNCIL
RESOLUTION NO. 2006-322

A RESOLUTION GRANTING HEALTH CONTRIBUTION CHANGES TO UNREPRESENTED MANAGEMENT AND CONFIDENTIAL EMPLOYEES, INCLUDING CHARTER OFFICERS AND EXECUTIVES EFFECTIVE MAY 23, 2006, AND RESCINDING SECTION 3 OF RESOLUTION NO. 2005-602, EFFECTIVE MAY 22, 2006

WHEREAS, by Section 3 of Resolution No. 2005-602 which became effective December 27, 2005, the City Council increased the City's contribution to health, dental and vision benefits for unrepresented Management and Confidential employees for FY 05-06 and FY 06-07, and

WHEREAS, the Council of the City of Modesto desires to approve an additional increase in the City's contribution to health, dental and vision benefits for non-sworn employees with Family coverage by $20/month effective July 25, 2006, in addition to increases previously authorized by Resolution No. 2005-602,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City's contribution to health, dental and vision benefits for unrepresented Management and Confidential employees, for both sworn and non-sworn employees and for Charter Officers and Executives, is hereby designated to be the following:

<table>
<thead>
<tr>
<th>Health Plan</th>
<th>Sworn and Non-Sworn</th>
<th>Effective Dates</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>City Contribution</td>
<td>July 26, 2005</td>
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<tr>
<td>Family</td>
<td>$722/month</td>
<td>$812/month</td>
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<tr>
<td>Employee Only</td>
<td>$435/month</td>
<td>$480/month</td>
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<tr>
<td>Opt Out</td>
<td>$385/month</td>
<td>$390/month</td>
</tr>
</tbody>
</table>

City Contribution - Sworn and Non-Sworn
Effective July 26, 2005  Effective July 25, 2006
Effective July 26, 2005, the City's contribution toward unrepresented employees with Family coverage shall not exceed the actual premium amount for the lowest cost health (HMO Plan), dental and vision plans offered by the City, regardless of the health plan selected by the employee or the contribution amounts listed above.

Effective July 26, 2005, the City's contribution toward unrepresented employees with Employee Only coverage shall not be less than the actual premium amount for the lowest cost health, (HMO Plan), dental and vision plans offered by the City, regardless of the health plan selected by the employee or the contribution amounts listed above.

BE IT FURTHER RESOLVED that Section 3 of Resolution No. 2005-602 is hereby rescinded effective May 22, 2006.

BE IT FURTHER RESOLVED that all other sections and provisions of Resolution No. 2005-602 shall remain in full force and effect.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of May 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]

RICHARD RUDNANSKY, Interim City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2006-323

A RESOLUTION APPROVING AN AMENDMENT TO PURCHASE AGREEMENT WITH ALVIN LUCHESSA AND WILLIAM LUCHESSA RELATING TO THE ACQUISITION OF PROPERTY LOCATED ON THE NORTHEAST CORNER APN: 046-02-01 (PORTION) OF PELANDALE AVENUE AND TULLY ROAD IN THE AMOUNT OF $4,420.80, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT

WHEREAS, on July 12, 2005, the City Council of the City of Modesto approved a Purchase Agreement between the City of Modesto and Alvin Luchessa and William Luchessa to purchase a portion of the necessary real property owned by Alvin & William Luchessa (APN: 046-002-001) at the northeast corner of Pelandale Avenue and Tully road related to the Pelandale Intersection Improvements and Signalization Project in the total amount of $124,235.80, and

WHEREAS, said purchase price of $124,235.80 included compensation for removal of 30 almond trees in the amount of $4,420.80, and

WHEREAS, the Pelandale Signalization project proceeded on construction and actually removed 30 additional almond trees for which Alvin Luchessa and William Luchessa have asked compensation for in the amount of $4,420.80, and

WHEREAS, City staff agrees to pay Alvin Luchessa and William Luchessa the sum of $4,420.80, as just compensation in full for the interference to, loss of production of and removal of the additional 30 almond trees and no further payment of any kind shall accrue,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that an Amendment to Purchase Agreement between City of Modesto and Alvin
Luchessa and William Luchessa (APN:046-002-001) for the Pelandale Intersection Improvements and Signalization Project for removal of the 30 additional almond trees in the total amount of $4,420.80 is hereby approved.

BE IT FURTHER RESOLVED that the execution of said Amendment by the City Manager, or his designee, on behalf of the City of Modesto is hereby authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of May, 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: Richard Rudnansky, Interim City Attorney
A RESOLUTION APPROVING AN AMENDMENT TO A PURCHASE AGREEMENT WITH ALVIN LUCHESSA AND WILLIAM LUCHESSA RELATING TO THE ACQUISITION OF PROPERTY LOCATED ON THE NORTHWEST CORNER APN: 046-07-37 (PORTION) OF PELANDALE AVENUE AND TULLY ROAD IN THE AMOUNT OF $2,763.00, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT

WHEREAS, on July 12, 2005, the City Council of the City of Modesto approved a Purchase Agreement between the City of Modesto and Alvin Luchessa and William Luchessa to purchase a portion of the necessary real property owned by Alvin Luchessa and William Luchessa (APN: 046-007-037) at the northwest corner of Pelandale Avenue and Tully Road related to the Pelandale Intersection Improvements and Signalization Project in the total amount of $142,380.60, and

WHEREAS, said purchase price of $142,380.60 included compensation for removal of 30 almond trees in the amount of $3,315.60, and

WHEREAS, the Pelandale Signalization project proceeded on construction and actually removed 25 additional almond trees for which Alvin Luchessa and William Luchessa have asked compensation for in the amount of $2,763.00, and

WHEREAS, City staff agrees to pay Alvin Luchessa and William Luchessa the sum of $2,763.00, as just compensation in full for the interference to, loss of production of and removal of the additional 25 almond trees and no further payment of any kind shall accrue,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that an Amendment to a Purchase Agreement between City of Modesto and Alvin
Luchessa and William Luchessa (APN:046-007-037) for the Pelandale Intersection Improvements and Signalization Project for removal of the 25 additional almond trees in the total amount of $2,763.00 is hereby approved.

BE IT FURTHER RESOLVED that the execution of said Amendment by the City Manager, or his designee, on behalf of the City of Modesto is hereby authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of May, 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: Richard Rudnansky, Interim City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2006-325

A RESOLUTION REJECTING THE SOLE BID FOR THE PROJECT TITLED
"COLLECTION SYSTEM REHABILITATION 2006" AND AUTHORIZING
STAFF TO RE-ADVERTISE THE PROJECT AT A FUTURE DATE

WHEREAS, the bids received for “Collection System Rehabilitation 2006” were
opened at 11:00 a.m. on May 2, 2006, and later tabulated by the Public Works Director
for the consideration of the Council, and

WHEREAS, during the bid evaluation process staff determined that the sole bid
for the project unreasonably exceeded the engineer’s estimate. Therefore, staff
recommends the bids 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 received for “Collection System Rehabilitation 2006” opened in the
office of the City Clerk on May 2, 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 23rd day of May 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 Richard Ruonansky, Interim City Attorney

05/23/06/PW/D Phillips/Item 25 1 2006-325
MODESTO CITY COUNCIL
RESOLUTION NO. 2006-326

A RESOLUTION APPROVING AN AGREEMENT WITH APPLIED PROCESS TECHNOLOGY, INC., TO INSTALL A PILOT TEST PROGRAM FOR NITRATE DESTRUCTION AT THE GRAYSON WATER SYSTEM IN THE NOT-TO-EXCEED AMOUNT OF $45,000.00, AND AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the City of Modesto operates the Grayson Water System that has two water wells (Wells #274 and #295), which both have concentrations of Nitrates that exceed the State of California limitations, and

WHEREAS, to treat the water, the City has contracted with Basin Water to install an Ion/Exchange system to remove the Nitrates. The Ion/Exchange system is working satisfactorily, however, there is a brine waste stream (approximately 7% of the treated water) that is generated and must be disposed of through a maintenance agreement.

WHEREAS, the Ion/Exchange produces a brine solution of 2,000–5,000 gallons/day that is delivered to the East Bay Municipal Utilities District (East Bay MUD) for disposal. If East Bay MUD ever declines our brine solution, the City has no other alternatives for its disposal, and

WHEREAS, the existing Ion/Exchange system has a high cost of operation of approximately $150,000/year, and

WHEREAS, Applied Process Technology (Applied) has contacted the City to negotiate the installation of a Pilot Test Program for a new form of nitrate destruction technology that is more efficient and cost effective than the current system to reliably transform nitrates into nitrogen gas reducing waste product to 5% that can go directly into the sanitary sewer, and has asked compensation in the not-to-exceed amount of $45,000.00, and
WHEREAS, water samples will be tested, and the State of California Department of Health Services (DHS) will be kept informed of the results. Within 12 months of successful completion of the pilot test and approval from DHS, Applied will provide a 20 Year Life-Cycle cost for a filtration unit capable of treating 1,000 gallons per minute, and

WHEREAS, City staff agrees to pay Applied Process Technology, Inc. the not-to-exceed sum of $45,000.00, as just compensation,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement between City of Modesto and Applied Process Technology, Inc. for the Nitrate Removal Pilot Program – Grayson Water System project in the not-to-exceed amount of $45,000.00.

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 23rd day of May 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: Richard Rudnansky, Interim City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2006-327

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

WHEREAS, City acquired approximately 12 acres consisting of almond and peach orchards located at the northwest corner of Frazine Road and La Coste Lane, and

WHEREAS, this land was acquired as part of a larger purchase to provide land for the Regional Water Treatment Plant storage tanks, and

WHEREAS, this property has been leased to Alcorn Farms for $800 per year for the last 12 years, and

WHEREAS, the lease agreement with the Alcorn Farms has lapsed without request for renewal, and

WHEREAS, staff advertised for new tenants and received applications from three (3) interested parties, and

WHEREAS, after credit and reference checks on the three (3) applicants were completed, Louis Boer, Jr. was selected for the lease, and

WHEREAS, the term of the new agreement includes an annual rent of $1,500 plus 15% of the net profit above $1,500 on the sale of the crops, and

WHEREAS, lessee is responsible for paying property and irrigation taxes, as well as maintaining the property and trees, and

WHEREAS, rental and profit share revenues will be deposited in the Water Enterprise Fund Account No. 6100-480-5012-6201, and
WHEREAS, the Finance Committee considered this item at its April 24, 2006 meeting and recommended its approval and consideration by the full Council,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the lease agreement between the City of Modesto and Louis Boer, Jr., and individual, for the lease of the city-owned property located at the northwest corner of Frazine road and La Coste Lane.

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

The foregoing resolution was introduced at regular meeting of the Council of the City of Modesto held on the 23rd day of May 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: Richard Rudnansky, Interim City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2006-328

A RESOLUTION APPROVING THE DAY SPA USE IN THE SUMMIT BUSINESS PARK AND GRANTING AN APPEAL OF A STAFF DETERMINATION REGARDING A PROPOSED USE PERMIT FOR PROPERTY LOCATED AT 4345 SPYRES WAY, SOUTH OF BANGS AVENUE AND WEST OF McHENRY AVENUE IN THE KIERNAN/McHENRY COMPREHENSIVE PLANNING DISTRICT

WHEREAS, the City of Modesto and the County of Stanislaus have entered into an agreement which states in part that the County will amend its General Plan to limit development within the City’s Sphere of Influence to agricultural uses, churches, and such other uses that may be mutually agreed upon and which excludes some areas from this limitation, and

WHEREAS, Stanislaus County has adopted a General Plan policy which sets forth the procedure for referring development proposals within the Cities’ Spheres of Influence for those uses that are neither a church nor an agricultural use and indicates that proposals should be evaluated against the general plan land use designation and that cities should also submit conditions to ensure that development complies with city development standards, and

WHEREAS, the City of Modesto adopted Policy 4.028, effective January 8, 1991, which establishes that staff determinations regarding County development referrals must be appealed to the City Council and identifying various distinct areas within the City’s Sphere of Influence, noting that staff responses will consist of recommendations, suggested modifications, and suggested conditions of approval, and

WHEREAS, the City of Modesto received a development referral from Stanislaus County on March 10, 2006, and
WHEREAS, the subject site is located in the City’s Sphere of Influence and within the Kiernan/McHenry Community Planning District, in which the site is designated BP, Business Park, and

WHEREAS, City staff determined that the proposed use is inconsistent with the general plan designation of BP, Business Park, and

WHEREAS, on April 13, 2006, an appeal to the staff determination was filed with the Office of the City Clerk by L Street Architects, and

WHEREAS, said appeal was set for a duly noticed public hearing before the City Council on Tuesday, May 9, 2006, at 5:30 p.m. in the Tenth Street Place Chambers, located at 1010 Tenth Street, Modesto, California, and

WHEREAS, said appeal was continued with the consent of the appellant to a duly noticed public hearing before the City Council on Tuesday, May 23, 2006, at 5:30 p.m. in the Tenth Street Place Chambers, located at 1010 Tenth Street, Modesto, California, at which time said public hearing was held, and evidence both oral and documentary was received and considered, and

WHEREAS, upon evaluating the conditionally permitted uses of the BP, Business Park Zone, staff has determined that, if the site were within the City and zoned BP, a day spa would fall within the “personal services” provision of the BP Zone, which allows such uses, when incidental to and serving the needs of already established industries and employment-intensive offices within the Zone, and

WHEREAS, the proposed day spa use is limited in size to no more than 13,000 square feet in the Summit Business Park, which can accommodate a maximum of one million square feet of development of which 13,000 square feet is less than one-and-one-
half percent and therefore is incidental to the entire Summit Business Park, and the business is limited in scope to a day spa including a luxury hair salon, therapeutic massage salon, and personal fitness center, therefore approving this use supports the intent of the BP, Business Park Zone.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the appeal of L Street Architects to the staff determination is hereby granted for the following reasons:

1. A day spa is consistent with the “personal services” provision of the BP Zone, which allows such uses when incidental to and serving the needs of already established industries and employment-intensive offices within the Zone.

2. The proposed day spa use is limited in size to no more than 13,000 square feet in the Summit Business Park, which can accommodate a maximum of one million square feet of development of which 13,000 square feet is less than one-and-one-half percent and therefore is incidental to the entire Business Park.

3. The proposed day spa is limited in scope to a day spa including a luxury hair salon, therapeutic massage salon, and personal fitness center.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the following condition be recommended to the Stanislaus County Board of Supervisors:

1. Recommend the Stanislaus County Board of Supervisors approve the request on the condition that this use be subject to reviewed by the appropriate jurisdiction to establish and ensure its legitimacy consistent with Title 5, Chapter 2, Article 1, Section 5-2.101 et seq. of the Modesto Municipal Code.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of May, 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: RICHARD RUDNANSKY, Interim City Attorney

ATTEST: JEAN MORRIS, City Clerk
A RESOLUTION APPROVING AN AGREEMENT FOR CONSULTANT SERVICES BETWEEN THE CITY OF MODESTO AND EDAW, INC. FOR THE PREPARATION OF ENVIRONMENTAL DOCUMENTS FOR THE EXPANSION OF GOULD MEDICAL CENTER IN AN AMOUNT NOT TO EXCEED $98,016.00 AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT

WHEREAS, Gould Medical Center proposes to expand its facility on Coffee Road in order to better serve its customers, and

WHEREAS, the project is subject to the California Environmental Quality Act, and

WHEREAS, the Community and Economic Development Department maintains a prequalified list of environmental consultants, of which EDAW, Inc. is one, and

WHEREAS, City staff recommends EDAW, Inc. to prepare the appropriate environmental documents because of their extensive experience on similar projects in other jurisdictions, and

WHEREAS, the scope of work, as proposed by EDAW, Inc. and modified by City staff constitutes an amount not to exceed $98,016.00, and

WHEREAS, the preparation of environmental documents is to be entirely funded from developer fees and to have no direct fiscal impact on the City.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Agreement for Consultant Services between the City of Modesto and EDAW, Inc. is hereby approved in an amount not to exceed $98,016.00.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Agreement for Consultant Services.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of May 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:

RICHARD RUDNANSKY, Interim City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2006–330

A RESOLUTION AUTHORIZING A TRANSFER FROM WASTEWATER RESERVES TO CIP B628 FOR EMERGENCY REPAIRS FOR EMERALD AVENUE SEWER LINES

WHEREAS, there are 24” and 27” parallel sewer lines located on Emerald Avenue between California Avenue and Muriel Avenue and adjacent to Mark Twain Jr. High School, and

WHEREAS, these two pipelines are the downstream continuance of a 30” sewer trunk line, and

WHEREAS, a 500-ft. section of the 24” sewer line has failed due to corrosion and is need of emergency replacement, and

WHEREAS, an approximate 200-ft. section of this nearly 54-year-old pipe has fallen into the flow line creating an obstruction, and

WHEREAS, viewing these lines through closed circuit television (CCTV) indicates erosion in the earth above the pipe, which could cause the road to collapse, and

WHEREAS, if the road collapses, a sinkhole could potentially form as well as a complete blockage in the pipe creating a Sanitary Sewer Overflow (SSO), and

WHEREAS, due to the nature of the emergency and concerns regarding the safety of citizens in the area, staff has closed the southbound lanes of Emerald Avenue between Muriel Avenue and Lenore Drive to all traffic, and

WHEREAS, staff has completed an assessment of the area and is working with construction companies to complete the work within 30 days, and
WHEREAS, staff recommended continuing the upstream 30” line north 517 feet, replacing both the 24” and the 27” lines at the same time, and

WHEREAS, replacing both the 24” and 27” lines reduces the risk of further damage to the pipes due to their close proximity, and

WHEREAS, the recommendation to extend the 30” sewer line is consistent with the Wastewater Master Plan, and

WHEREAS, Municipal Code 8-3.102 Section Contracting Authority (e) authorizes the City Manager to approve and authorize all contracts for emergency public works projects in the amount of $200,000 or less, and

WHEREAS, cost estimates for the replacement will exceed $200,000 and may total $500,000 to complete the pipeline replacement in the timeframe required, and

WHEREAS, current Wastewater Division Operating budgets cannot absorb the cost of these emergency repairs,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes a transfer from Wastewater Reserves to CIP Account # 6210-480-B628-6040 Emerald Avenue Emergency Repairs – Construction.

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 23rd day of May, 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
A RESOLUTION AUTHORIZING AN AWARD OF FOR EMERGENCY REPAIRS TO THE EMERALD AVENUE SEWER LINE, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE CONTRACT IN A FORM APPROVED BY CITY ATTORNEY

WHEREAS, there are 24” and 27” parallel sewer lines located on Emerald Avenue between California Avenue and Muriel Avenue and adjacent to Mark Twain Jr. High School, and

WHEREAS, these two pipelines are the downstream continuance of a 30” sewer trunk line, and

WHEREAS, a 500-ft. section of the 24” sewer line has failed due to corrosion and is need of emergency replacement, and

WHEREAS, an approximate 200-ft. section of this nearly 54-year-old pipe has fallen into the flow line creating an obstruction, and

WHEREAS, viewing these lines through closed circuit television (CCTV) indicates erosion in the earth above the pipe, which could cause the road to collapse, and

WHEREAS, if the road collapses, a sinkhole could potentially form as well as a complete blockage in the pipe creating a Sanitary Sewer Overflow (SSO), and

WHEREAS, due to the nature of the emergency and concerns regarding the safety of citizens in the area, staff has closed the southbound lanes of Emerald Avenue between Muriel Avenue and Lenore Drive to all traffic, and

WHEREAS, staff has completed an assessment of the area and is working with construction companies to complete the work within 30 days, and
WHEREAS, staff recommended continuing the upstream 30” line north 517 feet, replacing both the 24” and the 27” lines at the same time, and

WHEREAS, replacing both the 24” and 27” lines reduces the risk of further damage to the pipes due to their close proximity, and

WHEREAS, the recommendation to extend the 30” sewer line is consistent with the Wastewater Master Plan, and

WHEREAS, Municipal Code Section 8-3.102, Contracting Authority (e) authorizes the City Manager to approve and authorize all contracts for emergency public works projects in the amount of $200,000 or less, and

WHEREAS, cost estimates for the replacement will exceed $200,000 and may total $500,000 to complete the pipeline replacement in the timeframe required, and

WHEREAS, staff has contacted three local contractors who have previously done this type of work for the City, and

WHEREAS, repaving Emerald Avenue after the pipeline replacement will be paid from CIP B618 Utility Cuts Repavement,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the award of contract for emergency repairs to Emerald Avenue sewer lines and authorizes the City Manager, or his designee, to execute the contract.

BE IT FURTHER RESOLVED that the Council hereby authorizes the City Manager, or his designee, to execute the contract in a form approved by City Attorney.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of May, 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: Richard Rudnansky, Interim City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2006-332

A RESOLUTION AMENDING THE FISCAL YEAR 2005-2006 ANNUAL BUDGET

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

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
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**SCHEDULE A**
A RESOLUTION APPROVING AN AMENDMENT TO THE BUDGET TO APPROPRIATE FUNDS FROM CITATION PROCESSING RESPECTIVE EXPENSE ACCOUNTS FOR REQUEST FOR BID FOR A NEW SOFTWARE SYSTEM

WHEREAS, a request has been submitted to authorize the Purchasing Manager to formally solicit a Request for Bid for a parking citation system, and

WHEREAS, the Request for Bid allows for the cost of said system to cost $97,000, and

WHEREAS, due to additional revenues received in Citation Processing Acct #0100-120-1234-7113, funds are available to fully fund the cost of the software system,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the budget amendment set forth herein for the parking citation system, and authorizes the appropriation of funds in the amount of $97,000 and as shown on the attached Appropriation Transfer, and

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th 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

APPROVED AS TO FORM:

ATTEST: Jean Morris, City Clerk

By: Richard Rudnansky, Interim City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2006-334

A RESOLUTION APPROVING AN AMENDMENT TO THE BUDGET TO APPROPRIATE FUNDS FROM CITATION PROCESSING RESPECTIVE EXPENSE ACCOUNTS FOR REQUEST FOR BID FOR A NEW SOFTWARE SYSTEM

WHEREAS, a request has been submitted to authorize the Purchasing Manager to formally solicit a Request for Bid for a parking citation system, and

WHEREAS, the Request for Bid allows for the cost of said system to cost $97,000, and

WHEREAS, due to additional revenues received in Citation Processing Acct #0100-120-1234-7113, funds are available to fully fund the cost of the software system,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the budget amendment set forth herein for the parking citation system, and authorizes the appropriation of funds in the amount of $97,000 and as shown on the attached Appropriation Transfer, and
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th 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

APPROVED AS TO FORM:

By: RICHARD RUDNANSKY, Interim City Attorney

ATTEST: JEAN MORRIS, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2006-335

A RESOLUTION AUTHORIZING THE PURCHASING MANAGER TO ISSUE A FORMAL REQUEST FOR BIDS (RFB) FOR THE PURCHASE OF WATER VALVES AND FIRE HYDRANTS FOR AN INITIAL THREE (3) YEAR PERIOD, WITH TWO (2) ADDITIONAL ONE-YEAR CONTRACT EXTENSION OPTIONS, AT THE SOLE DISCRETION OF THE CITY, FOR AN ESTIMATED ANNUAL COST OF $240,000.00

WHEREAS, the Finance Department-Central Stores Division has requested the purchase of water valves and fire hydrants, and

WHEREAS, water valves and fire hydrants are used exclusively by the Public Works Department-Water Division, and

WHEREAS, the City’s fire hydrants are being replaced at a rate of thirty (30) per week, and

WHEREAS, the water valves are used to replace existing valves which may be non-operable, to extend existing water lines, and for new service laterals to new businesses, and

WHEREAS, the hydrants being replaced have outlets less than four inches, and

WHEREAS, the new hydrants have a four and one half-inch (4½") outlet, which allows for greater flow of water in the event of a fire, and

WHEREAS, hydrants are also used in new developments, and

WHEREAS, the removed hydrants are then made available for sale, to the public, and

WHEREAS, by soliciting competitive bids, the City will achieve the best value for water valve and fire hydrants and meet Modesto Municipal Code (MMC) requirements for formal bids, and
WHEREAS, MMC Section 8-3.203 requires all purchases which meet or exceed $50,000 for material and equipment or contractual services to be formally bid, and

WHEREAS, this Request for Bids (RFB) for the purchase of water valves and fire hydrants process conforms to Modesto Municipal City Code Section 8-3.203, and

WHEREAS, the alternatives would be not to competitively bid these products, or to solicit bids for the products on an “order by order” basis, thus losing any quantity related discounts afforded by vendors, and

WHEREAS, the water valves and fire hydrants are purchased through Central Stores-7110-120-8311-0439 (Inventory Purchases) and are sold as needed to the Water Division, and

WHEREAS, the Water Division has budgeted and made available funds for water valves and fire hydrants in account number 6100-480-5012-0360-50 Real Property Maintenance and Repair Supplies. and

WHEREAS, anticipated expense for the water valves and fire hydrants is $240,000.00 per year, and

WHEREAS, all annual extensions are based upon continuous funding for that purpose by the City Council, and

WHEREAS, failure to fund any annual extension will result in an immediate termination of the contract without redress,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the Purchasing Manager to solicit formal Request for Bids (RFB) for water valves and fire hydrants for an initial three (2) year period, with a two
(2) additional one-year contract extension options, at the sole discretion of the City, for the estimated annual cost of $240,000 as follows:

SECTION 1. The City Clerk is hereby authorized to call for public competitive sealed bids for the purchase of water valves and fire hydrants for an initial three (3) year period, with two (2) additional one-year contract extension options, at the sole discretion of the City, for an estimated annual cost of $240,000, to be opened in the office of the City Clerk, 1010 10th Street, in the City of Modesto. The City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 2. After sealed bids are opened they shall be tabulated and analyzed by the Purchasing Division and a report submitted to the Council.

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. 2006-336

A RESOLUTION AUTHORIZING THE PURCHASING MANAGER TO ISSUE FORMAL REQUEST FOR BIDS (RFB) FOR THE PURCHASE OF CONCRETE BOXES AND COVERS, CAST IRON COVERS AND FRAMES FOR AN INITIAL THREE (3) YEAR PERIOD, WITH TWO (2) ADDITIONAL ONE-YEAR CONTRACT EXTENSION OPTIONS, AT THE SOLE DISCRETION OF THE CITY, FOR AN ESTIMATED ANNUAL COST OF $138,000

WHEREAS, the Finance Department-Central Stores Division has requested the purchase of concrete boxes and covers, cast iron covers and frames, and

WHEREAS, the Central Stores Division of the Finance Department inventories various materials for use by the Public Works Department and Parks and Recreation Department for City projects for City projects, and

WHEREAS, materials include concrete boxes and covers, and cast iron covers and frames (See Exhibit C), and

WHEREAS, concrete boxes and covers, and cast iron covers and frames are used to house water valves and meters, and

WHEREAS, the need and specifications for this material has been developed over time through collaboration between Central Stores staff and division personnel requesting the materials, and

WHEREAS, competitively bidding and inventorying these materials benefits the City in many ways, and

WHEREAS, some of the benefits include:

• Consolidation of Citywide requirements to obtain firm pricing for a specified period of time, thereby avoiding price increases in a potentially volatile market
• Materials are readily available in one location and crews are on the job more quickly and for longer periods
• Reduction of staff time used in processing one-time bids throughout the year, and

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

WHEREAS, this Request for Bid (RFB) for the purchase of concrete boxes and covers and cast iron covers and frames conforms to Modesto Municipal Code Section 8-3.203, and

WHEREAS, City staff can purchase these materials by using established blanket purchase orders with several local vendors, and

WHEREAS, studies have shown, however, that this purchasing method will result in 50-75% higher costs than they same materials obtained from the same vendors through the competitive bid process, and

WHEREAS, the funds for inventory purchases have been appropriated in account number 7110-120-8311-0439 (Inventory Purchase Stores), and

WHEREAS, material is purchased using these funds and recouped through sales to City Divisions, and

WHEREAS, the Purchasing Division has coordinated the drafting of bid specifications with Central Stores staff based upon City divisional usage data compiled over the past several years,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The City Clerk is hereby authorized to call for public competitive bids for the purchase of concrete boxes and covers, cast iron covers and frames for an initial three (3) year period, with two (2), additional one-year contract extension options, at the sole discretion of the City, for an estimated annual cost of $138,000, to be opened in the office of the City Clerk, 1010 10th Street, in the City of Modesto. The City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 2. After sealed bids are opened they shall be tabulated and analyzed by the Purchasing Division and a report submitted to the Council.

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 REVISING THE POSITION CLASSIFICATION PLAN FOR THE CITY OF MODESTO

WHEREAS, a Position Classification Plan for the City of Modesto was adopted by Modesto City Council Resolution 88-338 pursuant to Rule 2 of the Personnel Rules and Regulations of the City of Modesto, and

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

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

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

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

Recreation Program Manager

The job specification for this classification is being created as part of a reorganization in the PR&N Department and will provide general oversight and supervision of the Recreation Unit. The job specification for the classification of Recreation Program Manager, as shown on the attached Exhibit “A,” which is hereby made a part of this resolution by reference, is hereby approved and made part of the Position Classification Plan of the City of Modesto.
SECTION 2. CLASSIFICATION DELETED. The Position Classification Plan of the City of Modesto is hereby amended to delete the classification of Recreation Superintendent, as it is no longer being used.

SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after June 6, 2006.

The foregoing resolution was introduced in 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
RECREATION PROGRAM MANAGER

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

DEFINITION

Under general direction, the Recreation Program Manager is responsible to manage, direct and coordinate the activities of the Recreation Work Unit including youth and adult recreation programs, sports, special events, social services, and community services, to oversee the maintenance and operations of recreation facilities; to coordinate recreational activities with other divisions and departments; and to provide highly complex staff assistance to the Parks, Recreation and Neighborhoods Director.

SUPERVISION EXERCISED AND RECEIVED

Receives general direction from the Deputy Director of Recreation and Neighborhoods Division.

Exercises direct supervision over professional, technical and clerical staff.

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

Essential Functions:

Direct, oversee and participate in the development of the unit’s work plan; assign work activities, projects and programs; monitor workflow; implement policies and procedures; recommend goals and objectives.

Administer recreation programs and activities including youth and adult recreation programs, sports activities and leagues, aquatics programs, adult and youth classes, special events and recreation facilities maintenance and operations.

Participate in the selection of staff; provide and coordinate staff training, work with employees to correct deficiencies; implement disciplinary procedures as necessary; implement timely performance evaluations of staff and recreation programs.
Essential Functions: (Continued)

Lead a team of co-workers and subordinates in a team-orientated environment.

Develop, prepare and submit all required or requested reports and or studies including any quarterly reports and annual reports.

Prepare the Recreation Division budget; assist in budget implementation; participate in the forecast of additional funds needed for staffing, equipment, materials, and supplies; administer the approved budget.

Coordinate division activities with those of other departments and outside agencies and organizations; promote public relations; prepare and present staff reports and other necessary correspondence.

Prepare and present information to the public; work with diverse, grass roots neighborhood groups, leaders and residents; investigate complaints and recommend corrective action as necessary to resolve complaints.

Prepare and make presentations to the City Council, various committees, advisory groups and neighborhood groups. Prepare policy statements and alternatives for City Council consideration in a number of areas, including but not limited to: recreation activities, recreation facilities and recreation staffing.

Applicable federal, state and local laws, codes and regulations.

Serve as a liaison to the assigned citizens committees.

Marginal Functions:

Performs related duties as assigned.

QUALIFICATIONS:

Knowledge of:

Principles and practices of organization, administration, supervision, training and personnel management.

Principles and practices of general Parks and Recreation programs.

Understanding issues that affect the different clients involved in recreation activities and the challenges for different groups of participants.

Exhibit "A"
Knowledge of: (Continued)

Record keeping and reporting procedures, including computerized systems.

Methods and techniques of statistical analysis, effective technical report preparation and presentation (both oral and graphic).

Principles of budgeting and expenditure control, including any federal and/or grant reporting requirements, as necessary.

Ability to:

Effectively manage assigned areas of the departmental program.

Interpret and apply pertinent laws, rules and regulations.

Ensure program compliance with Federal, State and local rules, laws and regulations.

Prepare and administer a budget.

Supervise contracts with outside agencies for compliance.

Supervise one-stop facility with consisting of multiple agencies.

Supervise, train, coach and evaluate assigned staff.

Prepare and analyze technical and comprehensive administrative reports, statements and correspondence.

Communicate clearly and concisely, both orally and in writing.

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

Work effectively with diverse, grass roots neighborhood groups, leaders and residents.

Experience and Training Guidelines:

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

Exhibit "A"
Experience:

Five years of responsible, administrative level experience involving recreation or social service program development and implementation including one year of administrative and supervisor responsibility.

Training:

Equivalent to a Bachelor's degree form an accredited college with major coursework in recreation and park administration, public administration or a related field.

License or Certificate:

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

WORKING CONDITIONS

Environmental Conditions:

Office and field environment; travel from site to site.

Physical Conditions:

Essential and marginal functions may require maintaining physical condition necessary for walking, standing or sitting for prolonged periods of time using a personal computer and attending meetings.
MODESTO CITY COUNCIL
RESOLUTION NO. 2006-338

A RESOLUTION AMENDING EXHIBIT "A" OF RESOLUTION NO. 2006-321 TO AMEND THE CLASS RANGE TABLE FOR REPRESENTED MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES TO ADD RECREATION PROGRAM MANAGER AT SALARY RANGE 441 AND TO DELETE RECREATION SUPERINTENDENT FROM THE CLASS RANGE TABLE

WHEREAS, the City Council desires to amend Exhibit "A" of Resolution No. 2006-321, which approved the Class Range Table for Represented Management and Confidential Non-Sworn Classes,

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

SECTION I. AMENDMENT TO RESOLUTION NO. 2006-321 Exhibit "A" entitled, "City of Modesto Class Range Table Represented Management and Confidential Non-Sworn Classes Effective May 23, 2006", attached to Resolution No. 2006-321, is hereby amended as shown on the amended Exhibit "A" entitled "City of Modesto Class Range Table Represented Management and Confidential Non-Sworn Classes Effective June 6, 2006", which is attached hereto and made a part hereof as though set forth in full herein. Said amended Exhibit "A" adds the classification of Recreation Program Manager at Salary Range 441 ($5,760 - $7,018 per month) and deletes the classification of Recreation Superintendent from the Class Range Table.

SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after June 6, 2006.
The foregoing resolution was introduced in 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

APPROVED AS TO FORM:

By: RICHARD RUDNANSKY, Interim-City Attorney

ATTEST: JEAN MORRIS, City Clerk
<table>
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<th>RANGE</th>
<th>TITLE</th>
</tr>
</thead>
<tbody>
<tr>
<td>403</td>
<td></td>
</tr>
</tbody>
</table>
| 407   | Administrative Clerk II (Confidential)  
       | Administrative Office Assistant II (Confidential) |
| 408   |       |
| 409   |       |
| 410   |       |
| 411   | Administrative Office Assistant III (Confidential)  
       | Police Clerk II (Confidential) |
| 412   |       |
| 413   | Administrative Technician (Confidential) |
| 414   |       |
| 415   | Senior Administrative Office Assistant (Confidential)  
       | Secretary |
| 416   |       |
| 417   |       |
| 418   | Legal Secretary  
       | Systems Technician I |
| 419   | Public Information Technician (Confidential) |
| 420   | Accountant I (Confidential)  
       | Deputy City Clerk  
       | Employee Benefits Coordinator  
       | Executive Secretary (Represented)  
       | Legal Services Technician |
| 421   |       |

Exhibit "A"
<table>
<thead>
<tr>
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<th>TITLE</th>
</tr>
</thead>
</table>
| 422   | Office Supervisor  
      | Utility Dispatch Supervisor  
      | Workers' Compensation Claims Examiner I  
      | Systems Technician II |
| 423   | Custodian Supervisor |
| 424   | Assistant Planner  
      | Buyer  
      | Police Facilities Coordinator |
| 425   | Administrative Analyst I |
| 426   | Supervising Animal Control Officer  
      | Police Civilian Supervisor  
      | Stores Manager  
      | Systems Technician III |
| 427   | Assistant City Clerk/Auditor  
      | Legal Services Administrator  
      | Workers' Compensation Claims Examiner II |
| 428   | Accountant II (Represented)  
      | Senior Buyer |
| 429   | |
| 430   | Associate Planner  
      | Community Services Supervisor  
      | Events Coordinator  
      | Junior Civil Engineer  
      | Junior Traffic Engineer  
      | Senior Crime Analyst  
      | Software Analyst I |
| 431   | Administrative Analyst II  
      | Assistant Risk Manager  
      | Budget Analyst I  
      | Personnel Analyst  
      | Recycling Program Coordinator |

Exhibit "A"
<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
</tr>
</thead>
</table>
| 432    | Communications Specialist  
         | Compost Facility Supervisor  
         | Customer Services Supervisor  
         | Neighborhood Preservation Supervisor  
         | Operations and Maintenance Supervisor  
         | Recreation Supervisor II  
         | Senior Accountant  
         | Water Quality Control Maintenance Supervisor  
         | Water Quality Control Operations Supervisor |
| 433    | Organizational Development Specialist |
| 434    | Assistant Civil Engineer  
         | Assistant Traffic Engineer  
         | Budget Analyst II  
         | Environmental Laboratory Supervisor  
         | Operations Supervisor  
         | Regulatory Compliance Supervisor  
         | SCADA Supervisor  
         | Senior Community Development Program Specialist  
         | Senior Housing Rehabilitation Specialist  
         | Software Analyst II  
         | Supervising Accountant  
         | Systems Engineer I |
| 435    | Business Analyst  
         | Cultural Services Manager  
         | Emergency Medical Services Coordinator  
         | Integrated Waste Specialist  
         | Management Analyst  
         | Senior Personnel Analyst  
         | Weed and Seed Program Coordinator |
| 436    | Electrical Supervisor  
         | Senior Planner |
| 437    | |

Exhibit "A"
<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
</tr>
</thead>
</table>
| 438   | Budget Officer  
        | Events Supervisor  
        | Fire Business Services Analyst  
        | Housing Program Supervisor  
        | Land Surveyor  
        | Property Agent  
        | Senior Business Analyst  
        | Software Analyst III  
        | Systems Engineer II |
| 439   | Administrative Services Officer  
        | Community Facilities Districts Administrative Officer |
| 440   | Associate Civil Engineer  
        | Associate Traffic Engineer  
        | Transportation Planner |
| 441   | Airport Manager  
        | Building Maintenance Superintendent  
        | Fleet Manager  
        | Housing and Urban Development Manager  
        | Parks Operations Superintendent  
        | Parks Planning and Development Manager  
        | Purchasing Manager  
        | Recreation Program Manager  
        | Streets Superintendent  
        | Urban Forestry Superintendent  
        | Wastewater Collections Superintendent  
        | Water Superintendent |
| 442   | Customer Services Division Manager  
        | Manager of Budget and Financial Analysis  
        | Software Analyst IV  
        | Supervising Building Inspector  
        | Supervising Construction Inspector  
<pre><code>    | Systems Engineer III |
</code></pre>
<p>| 443   |       |</p>
<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
</tr>
</thead>
</table>
| 444   | Deputy Chief Building Official  
Principal Planner  
Solid Waste Program Manager  
Transit Manager |
| 445   | Accounting Division Manager |
| 446   | Water Quality Control Superintendent  
Information Technology Unit Manager |
| 447   | Business Development Division Manager  
Chief Building Official  
Planning Division Manager  
Senior Civil Engineer  
Traffic Engineer |
| 448   | |
| 449   | |
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| 453   | |
| 455   | |
MODESTO CITY COUNCIL
RESOLUTION NO. 2006-339

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

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

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

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

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

BE IT FURTHER RESOLVED that the 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 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
Exhibit A

Modesto Police Department Canine Transfer Contract – Officer Parsons
MODESTO POLICE DEPARTMENT CANINE TRANSFER CONTRACT

This AGREEMENT, made and entered into in the City of Modesto, State of California, this 17 day of April, 2006, by and between the City of Modesto, a municipal corporation of the State of California, hereinafter referred to as “CITY”, and Todd Parsons, canine handler for the Modesto Police Department, hereinafter referred to as “HANDLER”.

This AGREEMENT is made with regard to the following recitals:

A. HANDLER wishes to assume ownership and take possession of that certain retired City of Modesto police canine named “Tony”. HANDLER was previously the assigned canine handler for “Tony”. Tony has worked eight (8) years on patrol and is being retired due to his age and health. Tony is currently ten (10) years of age.

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

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

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

1. HANDLER does agree to assume ownership of the Modesto police canine named “Tony”, and to assume any and all risks, including, but not limited to, risk of injury or death to third persons, and to hold CITY, its police department, and its employees and/or agents or volunteers harmless from any and all liability, claims, administrative proceedings or other responsibility whatsoever arising from any injuries or damages that may occur on or after the date 03/15/06
ownership of the dog is transferred pursuant to this AGREEMENT. That date is hereby fixed by agreement by and among the parties hereto as being April 18, 2006.

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

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

4. The retired police canine “Tony” shall revert to CITY should the purchaser, HANDLER determine he/she can no longer care for the aforementioned dog within the period of time commencing on the date of this AGREEMENT and ending eighteen (18) months from the date fixed by this AGREEMENT.

5. HANDLER acknowledges that he/she has read the foregoing AGREEMENT and understands that it is contractual in nature and understands each of its provisions.
IN WITNESS WHEREOF, the CITY OF MODESTO, a municipal corporation, has caused this Agreement to be executed in duplicate by its City Manager and attested by its City Clerk under authority of Resolution No. 99-370 adopted by the City Council of the City of Modesto on the 20th day of July, 1999.

NEW OWNER

[Signature]

Todd Parsons, Handler

CITY OF MODESTO

[Signature]

George Britton, City Manager

ATTEST:

By

JEAN MORRIS, City Clerk

APPROVED AS TO FORM:

By

Richard Rudnansky, Interim City Attorney
MODESTO CITY COUNCIL
RESOLUTION NUMBER 2006-340


WHEREAS, by Resolution No. 2006-094, the City Council authorized submittal of an application to the U.S. Department of Justice on February 14, 2006, for the 2006 Byrne Justice Assistant Grant in the amount of $79,092, and

WHEREAS, on April 26, 2006, the U.S. Department of Justice (DOJ) notified the Modesto Police Department that they were awarded the 2006 Byrne Justice Assistance Grant in the amount of $79,092, and

WHEREAS, acceptance of said $79,092 grant will assist in the continued funding for the Stanislaus Regional 911 Computer Aided Dispatch System (CAD), Integrated Public Safety System, and Records Management System (RMS), and

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

NOW, THEREFORE, BE IT RESOLVED that the Council hereby accepts the 2006 Edward Byrne Justice Assistance Grant from the U.S. Department of Justice in the amount of $79,092.

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 Federal Government in relation thereto.
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 NUMBER 2006-341

A RESOLUTION AMENDING THE FISCAL YEAR 2006/07 OPERATING BUDGET TO RECOGNIZE REVENUE AND APPROPRIATE FUNDS FOR THE 2006 BYRNE JUSTICE ASSISTANCE GRANT (BJAG) WITH THE U.S. DEPARTMENT OF JUSTICE

WHEREAS, the Police Department acquired a grant award in the sum of $79,092 from the U.S. Department of Justice for the 2006 Byrne Justice Assistance Grant (BJAG) to assist in funding of the Modesto Police Department’s Stanislaus Regional 911 Computer Aided Dispatch System (CAD), Integrated Public Safety System, and Records Management System (RMS) upgrade, and

WHEREAS, the grant will commence on October 1, 2005 and end on September 30, 2009, and

WHEREAS, the City shall be compensated $79,092 from the U.S. Department of Justice for this program, 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 fiscal year 2006/2007 Operating Budget is hereby amended as indicated below to initiate said grant project:

**Expenses:**
To: 7130-190-M552-M483-6040 $79,092 2006 Edward Byrne Justice Assistance Grant Program

**Revenue:**
From: 7130-190-M552-3508 $79,092 Grant Revenue
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 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. 2006-342

A RESOLUTION APPROVING AND AUTHORIZING SUBMISSION OF THE CITY’S TRANSPORTATION DEVELOPMENT ACT TRANSIT CLAIM FOR FISCAL YEAR 2006/07 IN THE AMOUNT OF $7,077,421 TO THE STANISLAUS COUNCIL OF GOVERNMENTS (STANCOG) AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE TRANSIT CLAIM

WHEREAS, the greatest portion of the City’s funding for the Transit Service Program is made available under the Transportation Development Act (TDA), which includes Local Transportation Fund (LTF) funds and State Transit Assistance Fund (STA) funds, and

WHEREAS, StanCOG has informed the Finance Department that LTF and STA funding has been apportioned by the State to StanCOG for allocation to public transit agencies pursuant to Sections 99233.3 and 99234 of the California Public Utilities Code (PUC), and

WHEREAS, the City has developed an application for Fiscal Year 2006/07 TDA reimbursement pursuant to Section 99233.3 of the California PUC, and

WHEREAS, the City’s Transit TDA Claim for Fiscal Year 2006/07 is $7,077,421, composed of $5,375,503 in LTF funds and $1,701,918 in STA funds, and

WHEREAS, the total Transit Operating Budget for Fiscal Year 2006/07 is $12,123,014, and

WHEREAS, the added Transit Capital Budget for Fiscal Year 2006/07 is $1,882,082, and

WHEREAS, Council action authorizing submission of the Claim is required by StanCOG pursuant to Section 99261 of the California PUC before any TDA funding can be released to the City,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the TDA transit claim for Fiscal Year 2006/07 in the amount of $7,077,421.

BE IT FURTHER RESOLVED that the City Manager, or his authorized designee, is hereby authorized to execute and submit the TDA transit claim to StanCOG for Fiscal Year 2006/07.

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. 2006-343

A RESOLUTION APPROVING AN AMENDMENT TO AGREEMENT WITH WEST YOST ASSOCIATES, INC. (WEST YOST) FOR ADDITIONAL WORK IN THE AMOUNT OF $6,000, TO COMPLETE THE WATER CAPACITY STUDY FOR PELANDALE/MCHENRY DEVELOPMENT PROJECT AND AUTHORIZING THE CITY MANAGER TO EXECUTE SAID AMENDMENT TO AGREEMENT

WHEREAS, West Yost & Associates (West Yost) was hired to conduct the Water Capacity Study for the Pelandale/McHenry development, and the McHenry/Claratina development, and

WHEREAS, on March 8, 2005, the City Manager approved an agreement with West Yost to prepare both Water Capacity Studies for the Pelandale/McHenry and the McHenry/Claratina Development Projects in the amount of $26,500, and

WHEREAS, the costs associated for West Yost to prepare the Water Capacity Study specifically for the Pelandale/McHenry Development Project portion is in the amount of $21,400, of which $19,117.85 has been expended at this time, and

WHEREAS, in the course of preparing the Water Capacity Study for the Pelandale/McHenry Development Project portion, refinements to that 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 Water Capacity Study, and
WHEREAS, the additional work to be performed by West Yost is as follows: 1) Incorporate refinements to the Pelandale/McHenry Specific Plan into the City’s hydraulic water system model; 2) Conduct a revised hydraulic analysis and incorporate any additional City comments into the July 2005 Draft Technical Memorandum (TM); 3) Prepare a revised Draft TM which addresses City comments, incorporate any new, additional findings due to the refinements to the proposed Pelandale/McHenry Specific Plan, and provide this revised draft to City for final review and comment; 4) As needed teleconference meeting with City Staff to receive any additional City comments, and then prepare a Final TM; 5) Provide City with fifteen (15) hard copies of the revised Draft TM; 6) Provide City with fifteen (15) hard copies of the Final TM, and

WHEREAS, City agrees to pay West Yost the sum of $6,000.00 for the additional work to complete the Water 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 West Yost for additional work in the amount of $6,000 to complete the Water 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

APPROVED AS TO FORM:

By Richard Rudnansky, Interim City Attorney