MODESTO CITY COUNCIL
RESOLUTION NO. 2006-182

A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS WITHIN THE SCOPE OF THE PROJECT COVERED BY THE MODESTO URBAN AREA GENERAL PLAN MASTER ENVIRONMENTAL IMPACT REPORT (SCH NO. 1999082041): AMENDING SECTION 5-4-9 OF THE ZONING MAP TO REZONE FROM PLANNED DEVELOPMENT ZONE, P-D(37), TO LOW-DENSITY RESIDENTIAL ZONE, R-1, PROPERTY LOCATED AT 819 SUNSET AVENUE (SPORTSMEN OF STANISLAUS COUNTY)

WHEREAS, on March 4, 2003, the City Council of the City of Modesto certified the Final Master Environmental Impact Report ("Master EIR") (SCH No. 1999082041) for the Modesto Urban Area General Plan, and

WHEREAS, Sportsmen of Stanislaus County has proposed that the zoning designation for the property located on the west side of Sunset Avenue south of the Rouse Avenue intersection, be amended to rezone from Planned Development Zone, P-D(37), to Low-Density Residential, (R-1), and

WHEREAS, Section 21157.1 of the Public Resources Code, relating to reviewing subsequent project for a Master EIR, states that the lead agency shall prepare an Initial Study on any proposed subsequent project to analyze whether the subsequent project may cause any significant effect on the environment that was not examined in the master environmental impact report and whether the subsequent project was described in the master environmental impact report as being within the scope of the project, and

WHEREAS, the City’s Community and Economic Development Department by Environmental Assessment Initial Study EA/C&ED No. 2006-14 ("Initial Study") reviewed the proposed amendment to the Zoning Map and Planned Development project to determine whether the project is within the scope of the project covered by the Modesto Urban Area General Plan Master EIR ("Master EIR"), and made the
determination that the proposed project will have no additional significant effect on the environment that was not identified in the Master EIR, and further, that no or new additional mitigation measures or alternatives are required, and that, therefore, the proposed project is within the scope of the project covered by the Master EIR, and

WHEREAS, the Planning Commission, by Resolution No. 2006-13 recommended to the City Council approval of the application of Sportsmen of Stanislaus County to amend section 5-4-9 of the zoning map to rezone from Planned Development Zone, P-D(37), to Low-Density Residential, (R-1), for the property located on the west side of Sunset Avenue south of Rouse Avenue as set forth in said Resolution No. 2006-, and

WHEREAS, said matter was considered by the City Council at a duly noticed public hearing which was held on March 28, 2006, at 5:30 p.m., in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered the Initial Study prepared for the proposed rezone to R-1 Low-Density Residential, a copy of which is attached hereto as Exhibit “A”, and incorporated herein by reference, and based on the substantial evidence included in said Initial Study makes the following findings:

1. The type of project is described in Chapter II of the Modesto Urban Area General Plan Master EIR (MEIR).

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

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

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

5. The Initial Study, Environmental Assessment No. EA/C&ED 2006-14, provides the substantial evidence to support finding numbers 3-4, noted above.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Community & Economic Development Director is hereby authorized and directed to file a notice of determination within five (5) business days with the Stanislaus County Clerk pursuant to Section 21152 of the Public Resources Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of March 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, O’Bryant, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Marsh

ATTEST: Jean Morris, City Clerk

APPROVED AS TO FORM:
By: Richard Rudnansky, Interim City Attorney
City of Modesto

Finding of Conformance to General Plan Master EIR:

Initial Study C&ED No. (2006-14)

For the proposed:

Amendment to Planned Development P-D(37) and Rezone P-PDA-05-013 & P-RZN-05-001, SOS Club

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

2/07/06
City of Modesto  
Master EIR Initial Study Checklist

I. PURPOSE

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

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

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

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

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

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

II. PROJECT DESCRIPTION

A. Title: Rezone & Planned Development Zone Amendment – SOS Club

B. Address or Location: West side of Sunset Avenue South of the Rouse Avenue intersection, 819 Sunset Ave.

C. Applicant: Sportsmen of Stanislaus County, 819 Sunset Ave., Modesto, CA. 95353

D. City Contact Person: Daniel De La O

Project Manager: Daniel De La O  
Department: Community and Economic Development Department  
Phone Number: (209) 577-5267  
E-mail address: ddelao@modestogov.com

E. Current General Plan Designation(s): "MU" Mixed Use Land Use

F. Current Zoning Classification(s): P-D(37), Planned Development Zone

G. Surrounding Land Uses:  
   North: Residential Units (R-2 Zone Properties)  
   South: Golf Course (R-1 Zone Property)  
   East: Residential Units (R-2 Zone Properties)  
   West: Residential Units (R-1 & R-2 Zone Properties)
H. Project Description, including the project type listed in Section II.C (Anticipated Future Projects) of the Master EIR (Attach additional maps/support materials as needed for complete record):

The proposal comprises two components: (1) A rezone of the northern portion of the SOS site and (2) an Amendment P-D(37) for the expansion of the existing parking lot. The rezone involves the northern parcel of P-D(37). This property will be rezoned to R-1 (Low-Density Residential). The SOS Facility is removing this property from the P-D Zone to allow for the development of a residential subdivision. Located on the property currently are two ball fields, and additional parking that serve the facility. The Second component of this proposal consists of an amendment to the Planned Development Zone P-D(37) to allow the expansion of the existing parking lot adjacent to the main building. The expansion will replace the parking that will be eliminated by the development of the future subdivision to the north.

I. Other Public Agencies Whose Approval is Required:

None.

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

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

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

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

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

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

E. The criteria for currency of the Master EIR were reviewed (section 5 below) and it was determined that the Master EIR is current for all areas of the Initial Study.

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

A. The type of project is described in Chapter II of the Master EIR.
B. All applicable policies, regulations, and mitigation measures identified in the Master EIR have been applied to the project or otherwise made conditions of approval of the project.

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

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

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

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

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

________________________________________
Project Manager

________________________________________
Assistant Planner Date
4. Within the Scope Analysis of this Document:

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

(1) The lead agency for subsequent projects shall be the City of Modesto or a responsible agency identified in the Master EIR.

(2) City policies which reduce, avoid or mitigate environmental effects, will continue to be in effect and therefore would be applied to subsequent projects where appropriate. The policies are described in the list of policies in place and mitigation measures attached to the Initial Study template.

(3) Federal, State, Regional and Stanislaus County regulations do not change in a manner that is less restrictive on development than current law (i.e., would not offer the same level of protection assumed under the Master EIR).

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

(5) The development will occur within the boundaries of the City's planning area as established in this Urban Area General Plan.

(6) Development within the project will comply with all mitigation measures identified in the General Plan Master EIR.

5. Currency of the Master EIR Document

The MEIR should be reviewed on a regular basis to determine its currency, and whether additional analysis/mitigation should be incorporated into the MEIR via a Supplemental or Subsequent EIR (CEQA Section 21157.6). Staff has reviewed sections 1 through 20 of this document in light of the criteria listed below to determine whether the MEIR is current. The analysis contained within the Master EIR is current as long as the following circumstances have not changed. Any "No" response must be discussed.

(1) Certification of the General Plan Master EIR occurred less than five years prior to the filing of the application for this subsequent project.

(2) This project was described in the Master EIR and its approval will not affect the adequacy of the Master EIR for any subsequent project because the City can make the following findings:

(3) No substantial changes have occurred with respect to the circumstances under which the Master EIR was certified.
IV. ENVIRONMENTAL ANALYSIS

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

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

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

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

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

1. TRAFFIC AND CIRCULATION

a. Significant Effects Identified in the Master EIR

The Master EIR identified the following significant and unavoidable traffic and circulation impacts within certain areas of the “Baseline Developed Area”:

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

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

Effect: Creation of need for Capacity-enhancing modifications to existing facilities.
Effect: Increase in energy consumption associated with the operation of highway projects, rail improvements, and aviation facilities.

Effect: Severe contrast with existing neighborhood or area character caused by highway and transit projects.

DISCUSSION:
This is an application to rezone a portion of an existing planned development zone and expansion of an existing parking lot (P-D amendment). The addition of the project is compatible with the existing surrounding mix use of residential development and recreational uses located along this area. Because the project is consistent with the surrounding mix use, the proposed land use will not change to a level that will cause a change to the existing road capacities or levels of service.

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

Traffic and Circulation mitigation measures that may be pertinent to this project are found on MEIR pages V-1-15 through V-1-21. All feasible measures appropriate to the project – including any new measures - will be incorporated into or made conditions of approval of this project and will be listed in Section IV, Mitigation Measures Applied to Project.

c. Project-Specific Effects

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

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

YES NO

(1) Does the project contribute one hundred (100) or more peak hour trips to or from the site during the adjacent roadway’s peak hour or the development’s peak hour, to adjoining roads and generates more trips than assumed for their general plan land use category and zoning in the Master EIR. ☐ X

Note:
If a project exceeds an additional one hundred (100) or more peak hour trips contribution, a site access study may be conducted to determine to what extent the project would exceed the year 2025 level of service (LOS) expected for the adjoining roadways under the Master EIR. The site access study would recommend new, project-specific mitigation measures. If the project also exceeds the Master EIR’s traffic generation assumption, as determined by Engineering & Transportation staff, a comprehensive traffic study would be required that will include off-site traffic impact analysis.
(2) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment).  

(3) Result in inadequate emergency access. 

(4) Result in inadequate parking capacity. 

DISCUSSION:

(1) Engineering and Transportation Staff reviewed the proposed project and have the following comments:

A. The proposed project will not generate traffic impacts to the adjacent roadways in excess of what was assumed under the MEIR. No traffic study is required.

B. A site access study is not required for this project.

(2) The project will not substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment). The City Engineering and Traffic Department has evaluated the project and has determined that the existing design layout of the project, as conditioned, is in accordance to City standards.

(3) Police and Fire Staff have reviewed this proposal and have indicated that there is no emergency access problem.

(4) The project has been evaluated for compliance to the City of Modesto Parking regulations. The design and layout of the proposed parking area will comply with both City standards and ADA (Americans with Disability Act) standards.

2. AIR QUALITY

a. Significant Effects Identified in the Master EIR

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

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

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

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

Air Quality mitigation measure(s) pertinent to the project being analyzed in this Initial Study are found on pages V-2-11 through V-2-18 MEIR. All feasible measures appropriate to the project
Mitigation Measures appropriate to this project include: AQ-17

c. Project-Specific Effects

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

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

<table>
<thead>
<tr>
<th></th>
<th>YES</th>
<th>NO</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>2</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>3</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>4</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>5</td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>

DISCUSSION:

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

(2) This project does incorporate the best management practices for PM10 reduction established by the SJVUAPD (see mitigations measures above).

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

(4) The project is not a significant contributor to pollution levels in that it involves only a building addition for an existing church. PM10 emissions created through the construction phase will be mitigated as called for by the MEIR by the measures listed above.
3. NOISE

a. Significant Effects Identified in the Master EIR

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

Effect: Traffic noise levels for future conditions in the plan area have the potential to result in an excess of the City's Noise Significance Standards.

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

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

Noise policies and mitigation measures pertinent to the project being analyzed in this Initial Study are found on pages V-3-10 through V-3-15 MEIR. All feasible measures appropriate to the project will be incorporated into or made conditions of approval of this project and any new measures are listed in Section IV, Mitigation Applied to Project:

DISCUSSION:

Mitigation Measures appropriate to this project include: N-4, N-5 and N-6.

c. Project-Specific Effects

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

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

<table>
<thead>
<tr>
<th></th>
<th>YES</th>
<th>NO</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1)</td>
<td>☐</td>
<td>X</td>
</tr>
<tr>
<td>(2)</td>
<td>☐</td>
<td>X</td>
</tr>
<tr>
<td>(3)</td>
<td>☐</td>
<td>X</td>
</tr>
<tr>
<td>(4)</td>
<td>☐</td>
<td>X</td>
</tr>
</tbody>
</table>

The project will exceed the standards for noise level and hours of operation established by the Modesto noise ordinance.

The project will exceed the noise policies of or otherwise be inconsistent with the Modesto Urban Area General Plan.

The project will result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project.

The project will result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project.
DISCUSSION:

1. The City's noise policy is incorporated into the conditions of approval as a mitigation measure.

2. The project is consistent with the noise policies of the General Plan. The noise mitigation measures called for by the General Plan for projects within the baseline-developed area are incorporated into the conditions of approval for the project.

3. The only permanent noise levels produced by the project would be associated with traffic. The traffic levels are within the scope of what the MEIR assumed for the site. Therefore, this project will not result in a substantial permanent increase in ambient noise levels.

4. The project will not result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity. There will be some construction related noise, but the noise mitigation measures called for by the General Plan for projects within the baseline developed area, are incorporated into the conditions of approval for the project.

4. AGRICULTURAL LANDS

a. Significant Effects Identified in the Master EIR

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

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

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

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

DISCUSSION:
The site is not zoned for agriculture or designated on the General Plan for future agricultural use. The proposed project will not affect areas zoned for agriculture or designated on the General Plan for future agricultural use. The project site and the surrounding property are located within a fully developed urbanized area.

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

Agricultural Land mitigation measure(s) pertinent to the project being analyzed in this Initial Study are found on pages V-4-7 and V-4-8 MEIR. All feasible measures appropriate to the project and any new mitigation to be incorporated into or made conditions of approval of this project are listed in Section IV, Mitigation Applied to Project:
DISCUSSION:

There are no mitigation measures applicable to this project.

c. Project-Specific Effects

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

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

<table>
<thead>
<tr>
<th></th>
<th>YES</th>
<th>NO</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1)</td>
<td>The project is inconsistent with the Modesto Urban Area General Plan.</td>
<td>☐</td>
</tr>
<tr>
<td>(2)</td>
<td>The project will directly result in the development of land outside the March 2003 planning area boundaries.</td>
<td>☐</td>
</tr>
<tr>
<td>(3)</td>
<td>The project will Conflict with existing zoning for agricultural use, or a Williamson Act contract.</td>
<td>☐</td>
</tr>
<tr>
<td>(4)</td>
<td>The project will Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use.</td>
<td>☐</td>
</tr>
</tbody>
</table>

DISCUSSION:

(1) The project is consistent with the General Plan land use policies. It is an infill project, proposed within the urbanized area of the City. There are no agricultural parcels affected by the proposal and no agricultural and will be converted.

(2) The project is within the Baseline-Developed area of the City and therefore will not result in the development of land outside the March 2003 planning area boundaries.

(3) The project site is not zoned for agriculture nor is it under Williamson Act contract.

(4) The project will not involve changes to the existing environment that could result in the conversion of farmland to non-agricultural uses. The project is completely surrounded by urbanization.

5. WATER SUPPLY

a. Significant Effects Identified in the Master EIR

The Master EIR identified the following significant environmental impacts relative to water supply:
**Effect:** Urban Area General Plan policies are established to limit groundwater extractions to the safe yield of the aquifer and thereby avoid aquifer over drafting. In addition, the UWMP requires that new urban development would proceed in conjunction with the availability of water supplies and distribution facilities. It is assumed that increased entitlement of surface water supplies such as a water transfer from another water purveyor would undergo independent environmental review pursuant to CEQA. *This is a less-than-significant impact.*

**Effect:** Development to the future projected City population would require expansion of the MRWTP to its full 60 mgd capacity, development of additional groundwater wells, and construction of additional water distribution and treatment facilities. Construction of some of the required facilities would most likely require site-specific environmental impact assessments to be conducted under CEQA. *Consequently, the potential environmental impacts of the Urban Area General Plan are considered less-than-significant.*

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

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

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

**DISCUSSION:**

There are no mitigation measures applicable to this project.

**c. Project-Specific Effects**

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

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

<table>
<thead>
<tr>
<th></th>
<th>YES</th>
<th>NO</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) The project is inconsistent with the Modesto Urban Area General Plan.</td>
<td>□</td>
<td>X</td>
</tr>
<tr>
<td>(2) Sufficient water supplies are not available to serve the project from existing entitlements and resources, new or expanded entitlements are needed.</td>
<td>□</td>
<td>X</td>
</tr>
</tbody>
</table>

**DISCUSSION:**

(1) The project is consistent with the Modesto Urban Area General Plan both in land use and intensity.
(2) The project was referred to Engineering and Transportation for comment and there was no determination that there is insufficient capacity to serve the project.

6. SANITARY SEWER SERVICES

a. Significant Effects Identified in the Master EIR

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

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

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

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

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

Sewer Service mitigation measure(s) pertinent to the project being analyzed in this Initial Study, are found on pages V-6-4 through V-6-7 MEIR. All feasible measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section IV, Mitigation Measures Applied to Project:

DISCUSSION:

There are no mitigation measures applicable to this project.

c. Project-Specific Effects

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

YES NO

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

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

DISCUSSION:

(1) The project is consistent with the Modesto Urban Area General Plan both in land use and intensity.

(2) The project was referred to Engineering and Transportation for comment and there was no indication that there is insufficient capacity to serve the project.

7. SENSITIVE WILDLIFE AND PLANT HABITAT

a. Significant Effects Identified in the Master EIR

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

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

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

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

Wildlife and Plant Habitat mitigation measure pertinent to the project being analyzed in this Initial Study are found on pages V-7-19 through V-7-21. All feasible measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section IV, Mitigation Measures Applied to Project:

DISCUSSION:

There are no mitigation measures applicable to this project regarding sensitive wildlife and plant habitat. The project site is not a biologically sensitive site as defined by Figures V-7-1a through V-7-1e of the MEIR.
c. Project-Specific Effects

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

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

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

DISCUSSION:

1. The project is consistent with the Modesto Urban Area General Plan both in land use and intensity.
2. The project site is not a biologically sensitive site as defined by Figures V-7-1a through V 7-1e of the MEIR. The California Department of Fish and Game and the U.S. Fish and Wildlife Service were consulted in the production of the MEIR.
3. There is no conflict with any local policies or ordinances protecting biological resources.

8. ARCHAEOLOGICAL OR HISTORICAL SITES

a. Significant Effects Identified in the Master EIR

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

Effect: If a site-specific project involves the modification or demolition of a qualifying structure more than 50 years in age, then the impact will be significant.

Effect: Areas of high probability for archaeological resources are located within the riparian corridors along the Tuolumne River, Dry Creek, and the Stanislaus River. There, the potential impact comes from earthmoving activities that could result in disturbance of resources or human remains. There is a low probability that archaeological resources will be uncovered in areas outside of the riparian corridors.

Effect: The City Zoning Ordinance requires that when substantial changes to a structure are proposed, the development will be required to comply with other Zoning Ordinance provisions.
such as parking or landscaping requirements. This could result in modifications to the structure, which substantially reduce its historical significance. This would be a less-than-significant impact with the imposition of new mitigation measure Cultural-1.

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

Archaeological or Historic mitigation measures pertinent to the project being analyzed in this Initial Study are found on page V-8-13 and V-8-14 MEIR.

DISCUSSION:

Mitigation Measures applicable to this project include: AH-8, Master EIR.

c. Project-Specific Effects

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

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

YES NO

1. The project is inconsistent with the Modesto Urban Area General Plan. □ X

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

DISCUSSION:

1. The project is consistent with the Modesto Urban Area General Plan in both land use and intensity.

2. The project would not adversely affect a cultural resource that is either listed or eligible for listing in the California Register of Historical Resources, or that is listed by the City of Modesto as a Designated Landmark Preservation Site. The mitigation measure called for by the General Plan is incorporated into the conditions of approval for the project.

9. STORM DRAINAGE

a. Significant Effects Identified in the Master EIR

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

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

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

Storm Drainage mitigation measure(s) pertinent to the project being analyzed in this Initial Study are found on pages V-9-4 through V-9-8.

DISCUSSION:

Mitigation measures appropriate to this project include: SD-7, MEIR. This mitigation measure is addressed by conditions of approval.

c. Project-Specific Effects

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

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

<table>
<thead>
<tr>
<th>NO</th>
<th>YES</th>
<th>X</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) The project is inconsistent with the Modesto Urban Area General Plan.</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>(2) The project would substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or offsite.</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>(3) Create or contribute runoff water that would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff.</td>
<td>X</td>
<td></td>
</tr>
</tbody>
</table>

City of Modesto Finding of Conformance General Plan Master EIR

Initial Study
EA/C&ED No. 2006-14
2/07/06
DISCUSSION:

(1) The project is consistent with the Modesto Urban Area General Plan in both land use and intensity.

(2) The project will meet the standards contained in the "Guidance Manual for New Development-Storm Water Quality Control Measures," adopted by the City as required by the above-listed mitigation measures.

(3) The project will not contribute additional water runoff that would exceed the capacity of the storm drainage system.

10. FLOODING AND WATER QUALITY

a. Significant Effects Identified in the Master EIR

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

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

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

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

Flooding and Water Quality mitigation measure(s) pertinent to the project being analyzed in this Initial Study are found on pages V-10-7 through V-10-10 MEIR. All feasible measures appropriate to the project have been incorporated into the conditions of approval.

DISCUSSION:

Mitigation measures appropriate to this project include: FWQ-14, MEIR. This mitigation measure is addressed by conditions of approval.

c. Project-Specific Effects

Section V-10.B of the MEIR provides analysis of Flooding and Water Quality impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not previously analyzed in the MEIR.

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

<table>
<thead>
<tr>
<th></th>
<th>YES</th>
<th>NO</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>2</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>3</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>4</td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>

DISCUSSION:

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

(2) The project would comply with the Federal Clean Water Act and the Porter Cologne Act requirements.

(3) Mitigation Measures as called for by FWQ-14 will be applied to the project so that the project will comply with the Guidance Manual for New Development Storm Water Quality Control Measures.

(4) The project would not create or contribute to runoff water in excess of the capacity of existing or planned storm water drainage systems or provide additional sources of polluted runoff.
11. PARKS AND OPEN SPACE

a. Significant Effects Identified in the Master EIR

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

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

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

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

Parks and Open Space Mitigation Measure(s) pertinent to the project being analyzed in this Initial Study are found on pages V-11-4 through V-11-19 MEIR. All feasible measures appropriate to the project to be incorporated into or made conditions of approval of this project, are listed in Section IV, Mitigation Applied to Project:

**DISCUSSION:**

There are no mitigation measures applicable to this project. It is not on or adjacent to any park sites, nor is it near any of the riparian area identified by Figures V-7-1a through V-7-1e of the MEIR.

c. Project-Specific Effects

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

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

<table>
<thead>
<tr>
<th>YES</th>
<th>NO</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>(1)</td>
<td>The project is inconsistent with the Modesto Urban Area General Plan.</td>
</tr>
</tbody>
</table>

**DISCUSSION:**

(1) The project is consistent with the Modesto Urban Area General Plan in both land use and intensity. There are no mitigation measures applicable to this project.
12. SCHOOLS

a. Significant Effects Identified in the Master EIR

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

Effect: The estimated increase in population over 1994/1995 would generate an additional 29,200 elementary school students, 7,330 middle school students, and 14,640 high school students above those enrollments. Assuming that existing facilities cannot sufficiently accommodate this increase and that all of the new students would require new school facilities, build out of the General Plan would result in the need for approximately 37 elementary schools, 8 middle schools, and 7 high schools beyond 1994/1995 levels. This would result in a significant impact on schools in that it would exceed current capacity. By statute, this impact is considered to be mitigated below a level of significance by payment of school impact fees and exercise of any or all of the financing options set out in Government Code Section 65997.

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

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

The following schools mitigation measure(s) are pertinent to the project being analyzed in this Initial Study. See pages V-12-4 through V-12-7 MEIR. All feasible measures appropriate to the project will be incorporated into or made conditions of approval of this project. Those measures will be listed in Section IV, Mitigation Applied to Project:

DISCUSSION:

There are no mitigation measures applicable to this project.

c. Project-Specific Effects

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

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

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

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

(2) The project does not comply with SB 50/Proposition 1A funding provisions, or succeeding measures which provide that compliance results in less-than-significant impacts on schools.
**DISCUSSION:**

(1) The project is consistent with the General Plan in both land use and intensity.

(2) The project was referred to Modesto City Schools who indicated no opposition to the project.

13. **POLICE SERVICES**

a. **Significant Effects Identified in the Master EIR**

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

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

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

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

Police Services mitigation measure(s) pertinent to the project being analyzed in this Initial Study are found on pages V-13-3 and V-13-4 MEIR. All feasible measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section IV, Mitigation Measures Applied to Project:

**DISCUSSION:**

No mitigation measures are applicable to this project.

c. **Project-Specific Effects**

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

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

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

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

(2) The project would result in the need for construction of new or significantly altered facilities which could cause new significant environmental impacts in order to maintain acceptable service ratios, response times or other performance objectives.
DISCUSSION:

(1) The project is consistent with the Modesto Urban Area General Plan in both land use and intensity.

(2) The project would not result in the need for construction of new or significantly altered facilities which could cause new significant environmental impacts in order to maintain acceptable service ratios, response times or other performance objectives. The project meets City Standards for emergency services access.

14. FIRE SERVICES

a. Significant Effects Identified in the Master EIR

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

Effect: The Baseline Developed Area and Redevelopment Area are already developed. Impacts on fire services of development in these areas will be less-than-significant.

Effect: In the Planned Urbanizing Area, the Urban Area General Plan would result in the need for additional fire protection services due to increases in the number of employees, permanent population, and associated improvements. City policy requires that fire protection be in place concurrent with construction in the Planned Urbanizing Area. This policy will be implemented with the adoption of future Comprehensive Plans in the Planned Urbanizing Area. This impact would be less-than-significant.

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

The Master EIR did not identify any new mitigation measures. Mitigation relies upon the implementation of the policies in place under the Modesto Urban Area General Plan. These are identified and described in the list of policies in place and MEIR mitigation measures attached to the Initial Study template.

Fire Services mitigation measure(s) pertinent to the project being analyzed in this Initial Study are found on pages V-14-3 through V-14-5 MEIR. All feasible measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section IV, Mitigation Measures Applied to Project:

DISCUSSION:

No mitigation measures are applicable to this project.

c. Project-Specific Effects

Section V-14.B of the MEIR provides analysis of fire services impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not previously analyzed in the MEIR.
Determination of project effects will be based on the following thresholds. The project-specific effects will be less-than-than significant unless:

YES NO

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

(2) The project would result in the need for construction of new or significantly altered facilities which could cause new significant environmental impacts in order to maintain acceptable service ratios, response times or other performance objectives.

DISCUSSION:

(1) The project is consistent with the Modesto Urban Area General Plan in both land use and intensity.

(2) The project would not result in the need for construction of new or significantly altered facilities which could cause new significant environmental impacts in order to maintain acceptable service ratios, response times or other performance objectives. The project meets City Standards for emergency services access.

15. SOLID WASTE

a. Significant Effects Identified in the Master EIR

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

Effect: New development projects would exceed available landfill capacity; it is identified as a significant impact. The Fink Road Landfill may be closed by the time the City reaches build out, unless an expansion is approved by the County and the Integrated Waste Management Board. As the waste stream generated increases with population, additional landfills and methods for diversion would have to be utilized. New projects will also generate the need for additional collection and transfer facilities. This impact is significant and unavoidable. The impact would be less-than-significant at such time as the Fink Road Landfill expansion is approved.

Effect: New development projects can make a considerable contribution to the cumulative impact on landfill capacity of development in Stanislaus County. This impact is significant and unavoidable.

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

Solid Waste Mitigation Measure(s) pertinent to the project being analyzed in this Initial Study are found on pages V-15-5 and V-15-6 MEIR. All feasible measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section IV, Mitigation Applied to Project:

DISCUSSION:

No mitigation measures are applicable to this project.
c. Project-Specific Effects

Section V-15.B of the MEIR provides analysis of solid waste impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not previously analyzed in the MEIR.

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

<table>
<thead>
<tr>
<th>YES</th>
<th>NO</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>(1) The project is inconsistent with the Modesto Urban Area General Plan.</td>
<td>X</td>
</tr>
<tr>
<td>(2) The County is unable to expand its solid waste disposal capacity and the project would result in waste stream levels that exceed disposal capacity.</td>
<td>X</td>
</tr>
</tbody>
</table>

**DISCUSSION:**

(1) The project is consistent with the Modesto Urban Area General Plan in both land use and intensity.

(2) This project was referred to the County and Solid Waste Division of the Engineering and Transportation Division for review, and no indication was given that there would be a problem serving this project.

16. **HAZARDOUS MATERIALS**

a. Significant Effects Identified in the Master EIR

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

**Effect:** The impacts of the project relative to hazardous materials are less-than-significant, based on the existing regulatory framework. New development will be required to comply with regulations monitoring and controlling the handling and use of hazardous and toxic materials.

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

The Master EIR did not identify any new mitigation measures. Mitigation relies upon the implementation of the policies in place under federal, state and county policies and regulations, and the Modesto Urban Area General Plan. These are identified and described in the list of policies in place and MEIR mitigation measures attached to the Initial Study template.

Hazardous Materials Mitigation Measure(s) pertinent to the project being analyzed in this Initial Study are found on pages V-16-9 through V-16-12 MEIR. All feasible measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section IV, Mitigation Measures Applied to Project:
DISCUSSION:

No mitigation measures are applicable to this project.

c. Project-Specific Effects

Section V-16.B of the MEIR provides analysis of hazardous materials impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not previously analyzed in the MEIR.

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

YES NO

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

(2) The project does not comply with all applicable federal, state, and county standards and regulations relative to the handling, storage, disposal, and transport of hazardous or toxic materials or wastes. ☐ X

(3) The project contains a contaminated site not identified as of March 2003. ☐ X

(4) The project would emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school. ☐ X

(5) The project would be located on a site, which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and as a result, would create a significant hazard to the public or the environment. ☐ X

DISCUSSION:

(1) The project is consistent with the Modesto Urban Area General Plan in both land use and intensity.

(2) The project does comply with all applicable federal, state, and county standards and regulations relative to the handling, storage, disposal, and transport of hazardous or toxic materials or wastes. (No hazardous materials will be involved with this project).

(3) The project site is not known to contain any contaminants.

(4) The project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste.

(5) The project would not be located on a site, which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and as a result, would not create a significant hazard to the public or the environment.
17. LANDSLIDES AND SEISMIC ACTIVITY

a. Significant Effects Identified in the Master EIR

The Master EIR identified the following significant environmental impacts relative to landslides and seismic activity:

**Effect:** There are areas of known sand and gravel resources within the Baseline Developed Area and Redevelopment Area. Future development will be subject to SMARA requirements, therefore, *the project impact will be less-than-significant.*

**Effect:** There are areas of known sand and gravel resources within the Planned Urbanizing Area. Future development will be subject to SMARA requirements, therefore, *the project impact will be less-than-significant.*

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

The Master EIR did not identify any new mitigation measures. Mitigation relies upon the implementation of the policies in place under the Modesto Urban Area General Plan. These are identified and described in the list of policies in place and MEIR mitigation measures attached to the Initial Study template.

Landslide and Seismic Activity Mitigation Measure(s) pertinent to the project being analyzed in this Initial Study are found on pages V-17-6 and V-17-7 MEIR. All feasible measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section IV, Mitigation Measures Applied to Project:

**DISCUSSION:**

No mitigation measures are applicable to this project.

c. Project-Specific Effects

Section V-17.B of the MEIR provides analysis of landslides and seismic impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not previously analyzed in the MEIR.

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

<table>
<thead>
<tr>
<th></th>
<th>YES</th>
<th>NO</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>2</td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>

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

(2) The project would be located on soil that is unstable, or that would become unstable as a result of the project, and potentially result in on or off-site landslide, lateral spreading, subsidence, liquefaction or collapse.
DISCUSSION:

(1) The project is consistent with the General Plan in both land use and intensity.

(2) The project would not be located on soil that is unstable, or that would become unstable as a result of the project.

18. ENERGY

a. Significant Effects Identified in the Master EIR

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

Effect: The Baseline Developed Area and Redevelopment Area are already developed. New development within the Redevelopment Area will comply with Title 24 standards as well as City Urban Area General Plan policies. Impacts on energy by development in these areas (i.e., changes in levels of use above the current baseline) will be less-than-significant.

Effect: Build out under the Urban Area General Plan will utilize an estimated 1,400 million cubic feet per month of natural gas, 1,300 million kilowatt hours (kwh) of electricity per year and 650,000 gallons of gasoline per day. PG&E has indicated that they have at the current time sufficient supplies of natural gas to serve the increased natural gas demands of the project. At present, gasoline supplies are apparently sufficient to serve the gasoline demands of the project. Title 24 of the California Code of Regulation, which ensures that the project will not exceed local, state, and federal energy standards. The impact is less-than-significant.

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

The following energy mitigation measure(s) are pertinent to the project being analyzed in this Initial Study. See page V-18-3 MEIR. All feasible measures appropriate to the project will be incorporated into or made conditions of approval of this project. Those measures will be listed in Section IV, Mitigation Applied to Project.

DISCUSSION:
No mitigation measures are applicable to this project.

c. Project-Specific Effects

Section V-18.B of the MEIR provides analysis of energy impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not previously analyzed in the MEIR.

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

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

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

(1) The project is consistent with the Modesto Urban Area General Plan in both land use and intensity.

19. PLANNING AND LAND USE

The Master EIR was certified for the Modesto Urban Area General Plan. The significant effects described in the 18 subject areas contained in the Master EIR are based on the planning policies and diagrams adopted as part of the General Plan. Planning and land use were not among the 18 subject areas analyzed in the Master EIR because they essentially defined the project being evaluated in the EIR.

a. Project-Specific Effects

Determination of project effects will be based on the following threshold. A project-specific effect is less-than-than significant unless:

YES NO

(1) The project is inconsistent with the Modesto Urban Area General Plan. □ X
(2) The project includes a substantive amendment to the Modesto Urban Area General Plan. □ X
(3) The project would physically divide an established community □ X

Discussion:

(1) The project is consistent with the Modesto Urban Area General Plan in both land use and intensity.

(2) No amendment to the General Plan is required by this project.

(3) The project is infill development that will not divide an established community.

20. AESTHETICS

The Master EIR was certified for the Modesto Urban Area General Plan. The significant effects described in the 18 subject areas contained in the Master EIR, are based on the planning policies and diagrams adopted as part of the General Plan. At that level of detail, no significant effects on aesthetics were identified.

a. Project-Specific Effects

Determination of project effects will be based on the following threshold. A project-specific effect is less-than-than significant unless:
(1) The project is inconsistent with the Modesto Urban Area General Plan. ☒ ☒
(2) The project would have a substantial adverse effect on a scenic vista. ☒ ☒
(3) The project would substantially degrade the existing visual character or quality of the project site and its surroundings. ☒ ☒
(4) The project would create a new source of substantial light and glare, which would adversely affect day or nighttime views in the area. ☒ ☒

DISCUSSION:

(1) The project is consistent with the General Plan in both land use and intensity.

(2) There are no Scenic Vistas from the location of the proposed development. It is completely surrounded by urbanization. Views to the Diablo and Sierra Mountain Ranges are already precluded from this site and its surroundings.

(3) The project would not substantially degrade the existing visual character or quality of the project site and its surroundings.

(4) The project would not create a substantial source of light or glare that would adversely affect daytime or nighttime views in the area.

V. MITIGATION MEASURES APPLIED TO THE PROJECT

A. Master EIR Mitigation Measures Applied to the Project

Pursuant to CEQA Section 21157.1 (c), in order for a Finding of Conformance to be made, all feasible measures from the Master EIR appropriate to the project shall be incorporated into the project. The following adopted General Plan Policies and Master EIR Mitigation Measures (also contained in Section III, "Global List") shall be made part of the project prior to approval by means of conditions of project approval or incorporation into the appropriate document or plan:

All applicable and appropriate mitigation measures have been applied to the project.

Traffic and Circulation Measures:

N/A

Air Quality Measures:

1. All land clearing, grubbing, scraping, excavation, land leveling, grading, cut & fill, and demolition activities shall be effectively controlled of fugitive dust emissions utilizing application of water or by presoaking.

2. When materials are transported off-site, all material shall be covered, or effectively wetted to limit visible dust emissions, and at least six inches of freeboard space from the top of the container shall be maintained.
Noise Measures:

1. The City's noise ordinance (Modesto Municipal Code Section 4-9.101) prohibits the "loud and raucous discharge into the open air of the steam of any steam equipment or exhaust from any stationary internal-combustion engine."

The noise ordinance prohibits the loud and raucous operation or use of any of the following before 7:00 a.m. or after 9:00 p.m. daily (except Saturday and Sunday and State or federal holidays, when the prohibited time shall be before 9:00 a.m. and after 9:00 p.m.):

A. A hammer, or any other device or implement used to pound or strike an object.

B. An impact wrench, or other tool or equipment powered by compressed air.

C. A hand-powered saw.

D. Any tool or piece of equipment powered by an internal-combustion engine such as, but not limited to, chain saw, backpack blower, and lawn mower.

E. Any electrically powered (whether by alternating current electricity or by direct current electricity) tool or piece of equipment used for cutting, drilling, or shaping wood, plastic, metal, or other materials or objects, such as, but not limited to, a saw, drill, lathe, or router.

F. Any of the following: heavy equipment (such as but not limited to bulldozer, steam shovel, road grader, back hoe), ground drilling and boring equipment (such as but not limited to derrick or dredge), hydraulic crane and boom equipment, portable power generator or pump, pavement equipment (such as but not limited to pneumatic hammer, pavement breaker, tamper, compacting equipment), pile-driving equipment, vibrating roller, sand blaster, gunite machine, trencher, concrete truck, and hot kettle pump.

G. Any construction, demolition, excavation, erection, alteration, or repair activity. In the case of urgent necessity and in the interest of public health and safety, the Chief Building Official may issue a permit for exemption from these. Such period shall not exceed three (3) working days in length while the emergency continues but may be renewed for successive periods of three (3) days or less while the emergency continues. The Chief Building Official may limit such permit as to time of use and/or permitted action, depending upon the nature of the emergency and the type of action requested.

H. Construction equipment and vehicles should be equipped with properly operating mufflers according to the manufacturers' recommendations. Air compressors and pneumatic equipment should be equipped with mufflers, and impact tools should be equipped with shrouds or shields.

Agricultural Land Measures:

N/A

Water Supply Measures:
Sanitary Sewer Service Measures:
N/A

Sensitive Wildlife and Plant Habitat Measures:
N/A

Archaeological or Historic Sites Measures:
1. If archaeological resources are discovered at any time during construction, all activity shall cease until a qualified archaeologist surveys the site. The survey shall include mitigation measures, which shall be implemented before construction resumes. The survey shall follow the criteria presented in Appendix K.

Storm Drainage Measures:
1. The developer shall implement pre- and post- construction best management practices (BMPs) to minimize pollutants entering the storm system.

Flooding and Water Quality Measures:
1. The developer shall implement pre- and post- construction best management practices (BMPs) to minimize pollutants entering the storm system.

Parks and Open Space Measures:
N/A

Schools Measures:
N/A

Police Services:
N/A

Fire Services:
N/A

Generation of Solid Waste
N/A

Generation of Hazardous Materials
N/A
Potential for Landslides and Seismic Activity

N/A

Energy

N/A

Planning and Land Use

N/A

Aesthetics

N/A

B. New or Additional Mitigation Measures or Alternatives Required

Where the project’s effects would exceed the specific thresholds defined for each environmental category, a mitigated negative declaration or Focused EIR must be prepared. Staff has reviewed the project against those thresholds set forth in the Master EIR for all applicable categories in this Initial Study. The following project-specific mitigation measures are necessary to reduce the identified new significant effect: None.
MODESTO CITY COUNCIL
RESOLUTION NO. 2006-183

A RESOLUTION RESCINDING MODESTO CITY COUNCIL RESOLUTION NOS. 2003-513, 2002-391, AND 94-671

WHEREAS, in December 2005, the Governor of the State of California signed into law Assembly Bill 1234 (AB 1234), and

WHEREAS, AB 1234 establishes new requirements for expense reimbursements for local appointed and elected officials, and

WHEREAS, these new requirements cause the City of Modesto to update various policies and procedures related to the reimbursement of expenses for elected and appointed officials, and

WHEREAS, it is the determination of the Interim City Attorney that these changes should be codified as part of the Modesto Municipal Code, and

WHEREAS, it is necessary to rescind prior City Council Resolutions 2003-513, 2002-391, and 94-671 which addressed reimbursement or expense allowances for public officials,

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that it hereby rescinds Resolution Nos. 2003-513, 2002-391, and 94-671 effective upon the date Ordinance No. 3406-C.S. goes into effect.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto, held on the 28th day of March 2006, by Councilmember Keating, 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, O'Bryant, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Marsh

Attest: Jean Morris
JEAN MORRIS, City Clerk

APPROVED AS TO FORM:

By: Richard Rudnansky, Interim City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2006-184

A RESOLUTION APPROVING A FIFTH AMENDMENT TO AGREEMENT FOR AUDITOR SERVICES WITH MAZE & ASSOCIATES, AN ACCOUNTANCY CORPORATION, TO EXTEND THE CONTRACT TERM TWO YEARS, FOR A TOTAL OF FIVE YEARS, AT A COST NOT TO EXCEED $149,679 FOR FISCAL YEAR 2006 AUDIT AND $154,167 FOR FISCAL YEAR 2007 AUDIT, AND, AUTHORIZING THE CITY MANAGER TO EXECUTE THE AMENDMENT

WHEREAS, the City of Modesto entered into a contract with Maze & Associates (Auditor) on April 1, 2003, to perform its annual financial statement audits, and

WHEREAS, said contract contains a provision for a three year term, and

WHEREAS, said contract contains a provision whereby the City may, at its option, elect to extend this contract two years, upon written notice of such extension to Auditor, and

WHEREAS, Auditor has made a proposal to City to conduct financial statement audits for Fiscal Year 2006 at a cost not to exceed $149,679, and for Fiscal Year 2007 at a cost not to exceed $154,167, and

WHEREAS, the Audit Committee, at its February 1, 2006, meeting recommended Council approve a two-year extension of said contract, to have Maze & Associates perform the Fiscal Year 2006 and Fiscal Year 2007 financial statement audits,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Fifth Amendment to Agreement for Auditor Services with Maze & Associates to extend the contract term two years, for a total of five years, perform these services at a price not to exceed $149,679 for Fiscal Year 2006, and for Fiscal Year 2007 at a cost not to exceed $154,167.
BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute said Amendment to Agreement for Auditor Services.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of April 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, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2006-185

A RESOLUTION APPROVING A REIMBURSEMENT AGREEMENT WITH STANISLAUS COUNTY AND STANISLAUS COUNCIL OF GOVERNMENTS (STANCOG) FOR THE COST OF PROJECT COORDINATION SERVICES FOR THE SR 219 WIDENING AND DALE/KIERNAN INTERSECTION IMPROVEMENT PROJECTS WITH THE COST TO THE CITY NOT TO EXCEED $60,000, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT

WHEREAS, Plans to widen State Route 219 (Kiernan Avenue) from two lanes to a four lane expressway have been in development for several years, and

WHEREAS, due to state financial troubles and escalating right-of-way acquisition costs the California Department of Transportation has struggled to move this project forward, and

WHEREAS, with the development of the new Kaiser hospital on Dale Road and the prospect of future development the intersection at Dale Road and Kiernan Avenue requires widening and signalization, and

WHEREAS, increased traffic requires the widening of Kiernan Avenue to a four lane expressway from State Route 99 to the Dale Road/Kiernan Avenue intersection, and

WHEREAS, in order to expedite the construction of these critical projects, representatives from the City, County and StanCOG recommend that the firm of Gray, Bowen and Company be retained to assist StanCOG in managing the project development and delivery process, in partnership with Caltrans, for these important projects with an overall goal of beginning construction as quickly as possible, and
WHEREAS, Gray, Bowen and Company, Inc. has had considerable success with expediting the delivery of high profile Caltrans projects in partnership with local agencies, and

WHEREAS, example projects include the widening of State Route 41 across the San Joaquin River for Madera County (needed for Valley Children’s Hospital) and the addition of the I-680 High Occupancy Vehicle lane over the Sunol Grade for the Alameda County Congestion Management Agency, and

WHEREAS, Representatives from the City of Modesto, Stanislaus County, and StanCOG have met and agreed to the following arrangement,

1) StanCOG will prepare an Agreement with Gray, Bowen and Company, Inc. that details the project coordination services which shall be provided by Gray, Bowen and Company, Inc. for the SR 219 widening and the Dale Road/Kiernan Avenue intersection projects.

2) The StanCOG Executive Director will provide monthly update reports to the City and County Chief Executive Office on the progress of the SR 219 widening project and the Dale Road/Kiernan Avenue intersection project.

3) The City and the County will pay to StanCOG, on a 50/50 cost-sharing basis, the sum not to exceed $120,000 ($60,000.00 for City; $60,000.00 for County) to pay for the services of Gray, Bowen and Company, Inc. through the contractual relationship between StanCOG and Gray, Bowen and Company, Inc.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a reimbursement agreement with Stanislaus County and Stanislaus Council of Governments (StanCOG) for the cost of project coordination services for the SR 219 Widening and Dale/Kiernan intersection improvement projects with the cost to the City not to exceed $60,000,

BE IT FURTHER RESOLVED by the Council 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 4th day of April 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. 2006-186

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF
MODESTO AND GOODWIN CONSULTING GROUP, INC. FOR
PREPARATION OF A FISCAL IMPACT ANALYSIS, IN AN AMOUNT NOT TO
EXCEED $28,500 PLUS 10% CONTINGENCY, AND AUTHORIZING THE CITY
MANAGER TO EXECUTE SAID AGREEMENT

WHEREAS, the City Council is desirous of identifying both long and short term
funding options for police and fire services, and

WHEREAS, a fiscal impact analysis will allow the City to review the costs
associated with police and fire services and potential tax rates associated therewith, and

WHEREAS, a Request for Proposals for a fiscal impact analysis was issued and
five proposal were received, and

WHEREAS, staff from the City Manager's Office and Finance Department, and
Councilmember Dunbar, who participated as an observer, interviewed the five firms, and

WHEREAS, Goodwin Consulting Group Inc. was selected to prepare the fiscal
impact analysis,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that it hereby approves an Agreement with Goodwin Consulting Group, Inc. in an amount
not to exceed $28,500 plus 10% contingency, for preparation of a fiscal impact analysis.

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 4th day of April 2006, by Councilmember Dunbar, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: Jean Morris
JHAN MORRIS, City Clerk

APPROVED AS TO FORM:

By: Richard Rudansky, Interim City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2006-187

A RESOLUTION AMENDING THE FISCAL YEAR 05-06 OPERATING BUDGET AND APPROVING AN APPROPRIATION TRANSFER OF $28,500 FROM GENERAL FUND RESERVES (0100-800-8000-8003) TO THE CITY MANAGER’S OPERATING BUDGET (0100-020-0201-0235) FOR THE PREPARATION OF A FISCAL IMPACT ANALYSIS BY GOODWIN CONSULTING GROUP, INC.

WHEREAS, the City Council is desirous of identifying both long and short term funding options for police and fire services, and

WHEREAS, a fiscal impact analysis will allow the City to review the costs associated with police and fire services and potential tax rates associated therewith, and

WHEREAS, a Request for Proposals for a fiscal impact analysis was issued, and

WHEREAS, Goodwin Consulting Group Inc. was selected to prepare the fiscal impact analysis in an amount not to exceed $28,500, plus a 10% contingency for preparation of the analysis, and

WHEREAS, the 2005-2006 fiscal year budget did not contemplate preparation of a fiscal impact analysis, and

WHEREAS, staff proposes allocating $28,500 from General Fund Reserves (0100-800-8000-8003) to the City Manager’s Operating Budget (0100-020-0201-0235), and

WHEREAS, at its meeting of March 27, 2006, the Finance committee approved this request and further recommended approval to the City Council,

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that the following appropriation is hereby approved to provide the funding for said fiscal impact analysis:
Appropriations

FROM: 0100-800-8000-8003 $28,500.00
TO: 0100-020-0201-0235 $28,500.00

BE IT FURTHER RESOLVED that City staff is hereby authorized to make the necessary budget adjustments in coordination with the Finance Department 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 4th day of April 2006, 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. 2006-188

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND CRAWFORD MULTARI & CLARK ASSOCIATES FOR THE PREPARATION OF COMMERCIAL AND INDUSTRIAL DESIGN GUIDELINES IN AN AMOUNT NOT TO EXCEED $49,680.00 AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT

WHEREAS, the City of Modesto is experiencing substantial increases in requests for non-residential development, which has raised concerns that new development should have some guidance to meet acceptable design standards, and

WHEREAS, the Economic Development Committee of the City Council at its February 13, 2006, meeting recommended the City Council consider an agreement between the City of Modesto and Crawford Multari & Clark Associates for the preparation of Commercial and Industrial Design Guidelines, and

WHEREAS, City staff recommends Crawford Multari & Clark Associates to prepare Commercial and Industrial Design Guidelines because of their extensive experience on similar projects in other jurisdictions, and

WHEREAS, City Staff anticipates that the Commercial and Industrial Design Guidelines will involve one phase in an amount not to exceed $49,680,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Crawford Multari & Clark Associates to prepare Commercial and Industrial Design Guidelines is hereby approved in an amount not to exceed 49,680.00.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Agreement.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of April 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
JEAN MORRIS, City Clerk
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 4th day of April 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

DEAN MORRIS, City Clerk

APPROVED AS TO FORM:

By: Richard Rudnansky, Interim City Attorney
### SCHEDULE A

<table>
<thead>
<tr>
<th>From:</th>
<th>To:</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Finance Dept Operating Acct #0100-120-1205-0235</td>
<td>Water Fund Reserve Account #0100-800-8000-8003</td>
<td>$(68,877.30)</td>
</tr>
<tr>
<td>Parks, Planning &amp; Develop Operating Acct #0100-310-3120-5900</td>
<td>Capital Project Acct #1350-310-P331-6052</td>
<td>$117,800</td>
</tr>
<tr>
<td>EBF Administrative Reserve Acct #7520-800-8000-8003</td>
<td>Non-Insurance Benefits Citywide Acct #7510-030-6051-0301</td>
<td>$(5,000)</td>
</tr>
<tr>
<td>Life Insurance Reserve Fund Acct #7380-800-8000-8003</td>
<td>Workers Compensation Fund Acct #7320-800-8000-8003</td>
<td>$(600,000)</td>
</tr>
<tr>
<td>CFD Reserve Acct #2670-800-8000-8203</td>
<td>CFD Operating Acct #2670-020-0203-0231 (maintenance)</td>
<td>$(15,731)</td>
</tr>
<tr>
<td></td>
<td>CFD Operating Acct #2670-020-0203-0255 (staff costs)</td>
<td>$12,231</td>
</tr>
<tr>
<td>Fleet Services Contingency #7200-800-8000-8003</td>
<td>Fleet Services Corp Yard #7200-48-0-5812-0330</td>
<td>$(155,000)</td>
</tr>
<tr>
<td></td>
<td>Fleet Services DTG Shop #7200-480-5813-0330</td>
<td>$63,000</td>
</tr>
</tbody>
</table>
A RESOLUTION AUTHORIZING THE AWARD OF PROPOSAL AND CONTRACT FOR THE PURCHASE OF AN AUTOMATED METER READ (AMR) SYSTEM TO BADGER METER, INC., MILWAUKEE, WI, FOR A TWO (2) YEAR AGREEMENT WITH THREE (3) ONE-YEAR EXTENSION OPTIONS AT THE SOLE DISCRETION OF THE CITY, FOR AN ESTIMATED ANNUAL COST OF $432,800

WHEREAS, the implementation of an Automated Meter Read System (AMR), installed with the fifteen (15) year Meter Installation Plan, will allow Water Operations to:

- **More effectively manage:** The additional workload resulting from the increase in the number of meters that will be read and billed on a monthly basis will require better technology than the City currently uses. The City’s current collection method of meter reading is fifteen (15) years old and the technology has reached its maximum capacity.

- **Minimize staffing requirements:** Under the City’s current meter reading practices significant staffing would be required to read the entire water system. Through more efficient and accurate methods, AMR will allow the City to read the increasing number of meters without adding personnel that would be required with a manual reading system.

- **Aid water conservation efforts:** The deployment of AMR technology will also give the City advanced leak detection capabilities. With AMR the City will have the ability to identify and address potential leaks. The AMR’s leak detection capability and reading accuracy will contribute to the City’s conservation efforts. City staff anticipates many customers will make a concerted effort to conserve
water once their bill is based on actual usage.

- **Improved efficiency:** With AMR City staff will be able to increase the number of daily meter reads. The current daily average manually performed by a Meter Reader is 350. With AMR the City will be able to increase the number of reads to 8 to 10 thousand reads per day. Automated reading also will result in fewer errors, providing more accurate billing data and less staff time tracking down erroneous reads, and

WHEREAS, on December 7, 2004, Council approved Resolution No. 2004-653 authorizing the Purchasing Supervisor to formally solicit Request for Proposals (RFP) for the purchase of an AMR System to be installed as part of the Water Meter Installation program, for a two (2) year agreement with three (3) one-year extension options at the sole discretion of the City, and

WHEREAS, the Purchasing Division solicited RFP No. 0405-07 for the purchase of an AMR System to forty (40) prospective proposers, five (5) of which were local companies, posted the proposal on the City’s web site, and formally advertised as required by law, and

WHEREAS, on February 22, 2005, RFP’s were formally opened in the City Clerk’s office. Of the forty (40) prospective proposers solicited, four (4) companies chose to respond, of which, three (3) companies furnished responsive and responsible proposals, and

WHEREAS, RFP language requires proposers to sign Exhibit “A” and Exhibit “B” of their proposal submittal, thereby acknowledging, that they are in full compliance with all requirements of RFP No. 0405-07, and any addendum to such proposal, and that
failure to comply shall result in disqualification, and

WHEREAS, one (1) company did not sign the “Proposal Acknowledgement” Exhibit “A”, and

WHEREAS, the company’s proposal submittal was disqualified and received no consideration, and

WHEREAS, on April 15, 2005, an evaluation committee was formed comprised of five (5) City staff personnel to evaluate the proposals, and

WHEREAS, the Purchasing Division facilitated the evaluation process and took no active role in evaluating the proposals, and

WHEREAS, on April 19, 2005, the evaluation committee met and proposal evaluation packets were given to committee members for evaluation. After the meeting the committee members individually evaluated and scored the proposals, and

WHEREAS, the evaluation committee rated and scored the proposals based on the following evaluation categories:

<table>
<thead>
<tr>
<th>Evaluation Category</th>
<th>Possible Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Completeness of Response</td>
<td>5</td>
</tr>
<tr>
<td>• Understanding of the Project</td>
<td>20</td>
</tr>
<tr>
<td>• Relevant Experience</td>
<td>15</td>
</tr>
<tr>
<td>• Warranty Program</td>
<td>15</td>
</tr>
<tr>
<td>• Equipment, Maint. and System Training Program</td>
<td>20</td>
</tr>
<tr>
<td>• Cost</td>
<td>25</td>
</tr>
<tr>
<td>• Value Add</td>
<td>5</td>
</tr>
<tr>
<td>• Total Possible Points:</td>
<td>105</td>
</tr>
</tbody>
</table>
The following is a breakdown of the committee’s average score for each proposer:

<table>
<thead>
<tr>
<th>Category</th>
<th>Possible Points</th>
<th>Badger Meter, Inc.</th>
<th>Itron, Inc.</th>
<th>Itron, Inc./USM&amp;T</th>
</tr>
</thead>
<tbody>
<tr>
<td>Completeness of Response</td>
<td>5</td>
<td>5</td>
<td>4.8</td>
<td>4.8</td>
</tr>
<tr>
<td>Understanding of the Project</td>
<td>20</td>
<td>19.4</td>
<td>19</td>
<td>17.6</td>
</tr>
<tr>
<td>Relevant Experience</td>
<td>15</td>
<td>12.8</td>
<td>12.2</td>
<td>13.2</td>
</tr>
<tr>
<td>Warranty Program</td>
<td>15</td>
<td>15</td>
<td>12.2</td>
<td>13.2</td>
</tr>
<tr>
<td>Equip, Maint. &amp; Sys Training Prog.</td>
<td>20</td>
<td>17</td>
<td>18</td>
<td>19</td>
</tr>
<tr>
<td>Cost</td>
<td>25</td>
<td>25</td>
<td>22</td>
<td>19</td>
</tr>
<tr>
<td>Value Add</td>
<td>5</td>
<td>4.6</td>
<td>3.8</td>
<td>2.6</td>
</tr>
<tr>
<td><strong>Total:</strong></td>
<td><strong>105</strong></td>
<td><strong>98.8</strong></td>
<td><strong>92</strong></td>
<td><strong>89.4</strong></td>
</tr>
</tbody>
</table>

WHEREAS, Badger Meter, Inc. is the City’s current supplier for water meters,

and.

WHEREAS, the City is currently in the third year of a five-year contract with

Badger Meter, Inc., and

WHEREAS, Badger Meter, Inc. *Orion* AMR system is designed to be compatible

with other meter manufactures. The register is the key interface component with the

meter, and

WHEREAS, if the City were to award future bids to another meter manufacturer,

interface with this AMR system will be specifically required, and

WHEREAS, the City currently has meters in the ground from several

different manufacturers, and

WHEREAS, many of these meters can be attached to the *Orion* AMR system
through their registers, and

WHEREAS, wherever possible, these meters will be retrofitted with registers from their manufacturers that are compatible with the *Orion* AMR, and

WHEREAS, however, due to the age of many of the existing meters, some will require a complete change out to new meters with AMR, as the City would not plan to attach new technology with a life of 15 to 20 years, to a 15-year-old meter, and

WHEREAS, this AMR system will result in all new meter installs and a retrofit or replacement program for existing meters in the system, and

WHEREAS, on November 18, 2005, a letter was received by one of the proposers, US Metering & Technology (USM&T), citing that they were not afforded competitive pricing from Badger Meter, Inc. on Badger Meter registers, and

WHEREAS, at the proposers conference the representative of Badger Meter, Inc. stated that pricing would be afforded to all companies, and

WHEREAS, because USM&T was no longer an authorized distributor of Badger Meter, Inc. products due to termination of their authorized Badger Meter, Inc. distributorship in December 2004, Badger Meter, Inc. could not legally quote USM&T a competitor meter dealer, and

WHEREAS, according to Badger Meter, Inc. they informed USM&T of this fact prior to the proposal opening date, and

WHEREAS, USM&T did submit pricing on two (2) City proposed AMR System options, Option 3 and Option 4, however their pricing was not competitive, and
WHEREAS, USM&T’s proposed annual price for each of the two (2) options was 29% higher than the lowest proposed price, which was provided by Badger Meter, Inc., and

WHEREAS, USM&T submitted the highest pricing of all three (3) proposers, and

WHEREAS, additionally, when cost is removed from the rating equation Badger Meter, Inc. still scored highest in overall rating by the Evaluation Committee, and

WHEREAS, based on ranking in total evaluation criteria, the Evaluation Committee’s recommendation for award of proposal and contract for the purchase of an AMR System to Badger Meter, Inc. specifically noting that Badger Meter, Inc. AMR equipment:

- Meets the needs of the City.
- Can interface to a fixed base system.
- Is the most cost effective equipment for the City.
- Has a G.P.S. system, which can interface with the City’s map guide.

WHEREAS, based on being the most responsive and responsible proposal, City staff recommends the award of RFP No. 0405-07 and contract for the purchase of an Automated Meter Read System to Badger Meter, Inc., Milwaukee, WI, for a two (2) year agreement with three (3) one-year extension options at the sole discretion of the City, at an estimated annual cost of $432,800,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby awards RFP No. 0405-07 and contract for the purchase of an Automated Meter Read System to Badger Meter, Inc., Milwaukee, WI, for a two (2) year agreement
with three (3) one-year extension options at the sole discretion of the City, at an estimated annual cost of $432,800.

BE IT FURTHER RESOLVED that the Purchasing Manager is hereby authorized to issue a purchase agreement to Badger Meter, Inc., for a two (2) year agreement with three (3) one-year extension options at the sole discretion of the City, at an estimated annual cost of 432,800.

BE IT FURTHER RESOLVED that City staff is hereby directed to prepare an implementation plan to begin installation of the Automated Meter Read System within sixty (60) days of contract award.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of April 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
November 18, 2005

Mr. Ken Masasso
Senior Buyer
Finance Department
City of Modesto
1010 Tenth Street
Suite 5300
Modesto, CA 95353

Re: RFP NO. 0405-07 – Automated Meter Read System

Dear Mr. Masasso,

It has come to the attention of US Metering and Technology that the City of Modesto is planning to award the Automated Meter Read System RFP to Badger Meter, Inc. during the City Council meeting on November 22, 2005.

This award raises several concerns to us at US Metering & Technology and may be in direct conflict of the spirit and intent of the RFP and the high standards in which the City conducted the RFP process.

As indicated in the RFP (page 7, section 1.2) in which it is stated “It is not the City’s intent to specify equipment and/or software unique to a single manufacture” as well at the Proposer’s Conference on January 7, 2005 in which it was stated that the city’s did not prefer to sole source through the specification of the RFP.

It is our contention at US Metering & Technology that our response was greatly diminished by being incomplete on three out of the five pricing options. As discussed at the January 7th Proposer Conference it was a concern of US Metering & Technology as well as that of Groeniger & Company that the Request for Proposal was somewhat sole sourcing in nature. This topic was discussed and it was proposed by Brian Helphand of Badger Meter Company that his company would make available any and all required registers for this project to all interested parties at a competitive cost. This promise was made in front the representatives from the City of Modesto, Groeniger & Company and US Metering & Technology.

Subsequent to the Proposer Conference US Metering & Technology made several requests to Badger Meter Company for pricing for RTR and ADE registers as outlined in Exhibit B. Badger meter was contacted by email and refused to fulfill the agreed-upon request (copies of the emails and “read notifications” are available upon request) and made no pricing or products available to US Metering & Technology.
Two additional concerns of US Metering & Technology are in section 1.3 Hardware and Software Minimum Requirements of the City of Modesto’s RFP.

"Requirement number 1.3.24. The AMR system shall adapt to future advanced meter-reading technologies and convert to a fixed network system, without changing the endpoint hardware".

Badger Meter Company’s Orion’s AMR endpoint does not migrate to Badger’s own stand-alone fixed network system which could be owned and operated by the City of Modesto. The only fixed networks that the Orion can migrate to, or is compatible with, is the DCSI TWACS power line carrier for electric meters or the Hunt Technology Turtle power line carrier for electric meters. Both of which require a substantial investment with a third party electric utility. The Orion clearly does not meet the minimum of this requirement.

"Requirement number 1.3.49. The AMR transmitter shall be capable of being installed on existing or new major meter manufacturers’ water meters"

The Badger Orion literature states compatibility with other meters, of various major manufacturers. The Orion product has not been tested nor approved by other meter manufactures. This constitutes a one way acceptance, which without approval other meter manufactures may not honor their respective warranty of either the water meter or register. And, to this point it is unknown if there are other water utilities that have meters other than Badger installed with Orion.

In light of the aforementioned concerns US Metering & Technology request that the City of Modesto either reevaluate US Metering & Technology response or reissue the RFP. If you have any question or if we can be of any further assistance, please do not hesitate in contacting US Metering & Technology.

Sincerely,

Ross Thomson
US Metering & Technology
4748 Engle Rd
Carmichael, CA 95608

Phone: (916) 481-5541
Fax: (916) 914-2469
E-mail: rthomson@usmandt.com
February 9, 2006

Mr. Ken Masasso  
Senior Buyer 
City of Modesto  
1010 10th Street 
Modesto, CA 95354 

Subject: Automatic Meter Reading System - RFP 040-07

Dear Mr. Masasso,

Below, please find additional information per the above referenced RFP and my letter dated 2-8-05.

Badger Meter provided Badger RTR/ADE register pricing to both Datamatic and Itron directly. Due to legal contractual agreements with our existing exclusive Badger Meter Distributor in California called National Meter and Automation Inc., Badger Meter could NOT legally quote USM&T a competitive meter distributor. USM&T was no longer an authorized distributor of Badger Meter products due to the termination of their authorized Badger Meter distributorship in December of 2004. Badger Meter did inform USM&T of this fact before the bid.

Per spec Section 1.3.24 about migrating to a Fixed Based Network: Badger Meter developed the ability for Orion to connect our meters with both established and emerging fixed base network technologies including power line carrier (PLC), broadband over power line (BPL) and municipal Wi-Fi Fixed Based Systems. This will allows many options for the City of Modesto to migrate their Orion AMR system into multiple fixed based systems with their existing Orion products. Please see our website under product news at www.badgermeter.com to find out additional information. Modesto Irrigation district is currently piloting a Power Line Carrier System. Badger’s RFP response included additional information about Fixed Based Networks and Orion.

Per spec Section 1.3.49 about radio transmitters must work with all major meter manufacturers and their encoders:
Most major meter manufacturers use the same meter encoder protocol (identical sequenced data streams). The Orion radio transmitter is compatible with such encoders with this industry standard protocol. Badger Meter will stand behind this statement.

The radio transmitter just receives the data from the encoder and transmits the water meter reading to the Orion reading equipment. Badger Meter has done numerous tests with all major meter manufacturers’ encoders to ensure connectivity, again something Badger Meter stands behind.

Please call me if you have any questions.

Sincerely,

Rick Green
Regional Manager
Badger Meter, Inc.
Phone: 414-371-7240
E-mail: rgreen@badgermeter.com
http://www.badgermeter.com

cc: Bill Bergum, Badger Meter – General Counsel
    Brian Helphand, Badger Meter – Account Manager
Attachment B

RFP No. 0405-07 Automated Meter Read (AMR) System

<table>
<thead>
<tr>
<th>Award Option 1</th>
<th>Item/Description</th>
<th>Badger Meter, Inc.</th>
<th>Itron, Inc.</th>
<th>US Metering &amp; Technology</th>
</tr>
</thead>
<tbody>
<tr>
<td>AMR System – Transmitter (Including Badger Meter Record-all Transmitter Register).</td>
<td>$432,800</td>
<td>No Bid</td>
<td>No Bid</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Option 2</th>
<th>Item/Description</th>
<th>Badger Meter, Inc.</th>
<th>Itron, Inc.</th>
<th>US Metering &amp; Technology</th>
</tr>
</thead>
<tbody>
<tr>
<td>AMR System – Transmitter (Including Badger Meter Absolute Digital Encoder Register).</td>
<td>$432,800</td>
<td>No Bid</td>
<td>No Bid</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Option 3</th>
<th>Item/Description</th>
<th>Badger Meter, Inc.</th>
<th>Itron, Inc.</th>
<th>US Metering &amp; Technology</th>
</tr>
</thead>
<tbody>
<tr>
<td>AMR System – Transmitter with In-line Connection (Operate with Badger Meter Record-all Transmitter Register).</td>
<td>$267,841</td>
<td>$299,563</td>
<td>$347,641</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Option 4</th>
<th>Item/Description</th>
<th>Badger Meter, Inc.</th>
<th>Itron, Inc.</th>
<th>US Metering &amp; Technology</th>
</tr>
</thead>
<tbody>
<tr>
<td>AMR System – Transmitter with In-line Connection (Operate with Badger Meter Absolute Digital Encoder Register).</td>
<td>$267,841</td>
<td>$299,563</td>
<td>$347,641</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Option 5</th>
<th>Item/Description</th>
<th>Badger Meter, Inc.</th>
<th>Itron, Inc.</th>
<th>US Metering &amp; Technology</th>
</tr>
</thead>
<tbody>
<tr>
<td>Badger Record-all Transmitter Register with In-line Connection.</td>
<td>$230,898</td>
<td>$262,227</td>
<td>No Bid</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Option 6</th>
<th>Item/Description</th>
<th>Badger Meter, Inc.</th>
<th>Itron, Inc.</th>
<th>US Metering &amp; Technology</th>
</tr>
</thead>
<tbody>
<tr>
<td>Badger Absolute Digital Encoder Register with In-line Connection.</td>
<td>$230,898</td>
<td>$262,227</td>
<td>No Bid</td>
<td></td>
</tr>
</tbody>
</table>
MODESTO CITY COUNCIL  
RESOLUTION NO. 2006-191

A RESOLUTION DECLARING AS SURPLUS FROM FEBRUARY 1, 2006 THROUGH JANUARY 31, 2007 THE FOLLOWING ITEMS: STOLEN, UNCLAIMED AND/OR SEIZED PROPERTY FROM THE POLICE DEPARTMENT, EXCESS PROPERTY ACCUMULATED BY THE CITY, AND SURPLUS CITY VEHICLES AND AUTHORIZING THE PURCHASING DIVISION TO SELL SAME BY SEALED BID, CONSIGNMENT, PUBLIC AUCTION, AND ONLINE AUCTION, OR AS SCRAP. THE AUCTION HOUSE, LOCATED AT 824 W. KIERNAN AVENUE IN ACCORDANCE WITH AUCTIONEERING AGREEMENT DATED AUGUST 14, 2001 WILL CONDUCT THE PUBLIC AUCTION

WHEREAS, Section 801 of the City Charter authorizes the City Manager to sell obsolete, unclaimed, or surplus personal property of the City with the approval of the City Council, and

WHEREAS, the City’s surplus items consist of: (1), obsolete traffic signal equipment; (2), lost, stolen, unclaimed and/or seized property, and excess property accumulated by the City; unclaimed bicycles accumulated at the Police Department Evidence and Property Room; and (3), and surplus City vehicles, and

WHEREAS, by Resolution Number 2001-423, the current auction agreement calls for auctioneering services to be provided by the Auction House; and

WHEREAS, public auctions are conducted at their facility located at 824 W. Kiernan Avenue in Modesto, and

WHEREAS, The Auction House will pick up the surplus items and advertise them in the Modesto Bee along with the time and dates of the auction, and

WHEREAS, they also advertise with flyers and by television promotion, and

WHEREAS, historically, the estimated gross revenue to be received from the sale of surplus property ranges from $100,000.00 to 175,000, and
WHEREAS, as of December 29, 2005, the City has sold $161,693 of surplus property, and

WHEREAS, revenues from the sale of surplus Fleet vehicles/equipment (less administrative fees) are deposited into the Fleet Replacement Fund, 7210, and

WHEREAS, all revenues received (less administrative fees) from the sale of non-rolling stock are deposited in the General Fund per (MCC 2-7.08), and

WHEREAS, the current auctioneer, The Auction House, charges a 6.75% Commission Fee on all rolling stock, (motor drive vehicles), and a 15% Commission Fee for miscellaneous surplus or non-rolling stock (bicycles, office furniture, computers, etc.), and

WHEREAS, by authorizing the Purchasing Division to process property, as items become surplus, from February 1, 2006 through January 31, 2007, without returning to City Council for subsequent approvals, the City will save substantial staff and processing time and be compliant with City Charter and Modesto Municipal Code (MMC), and

WHEREAS, additionally, this streamlined process, which has been in place for a number of years, will improve delivery of surplus property to The Auction House, the City's auctioneer, and

WHEREAS, the list of property to be sold will be on file with the City Clerk, and

WHEREAS, the City could sell all surplus as scrap or choose to donate it to charitable organizations, and

WHEREAS, after the auction, the Purchasing Division will prepare a recap memorandum to account for the items sold and the proceeds obtained from the auction, and
WHEREAS, the Purchasing Division on a routine basis coordinates the management of surplus property with both City staff and Central Stores,

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

SECTION 1. The City Council hereby authorizes the City Purchasing Division to seek City Council approval each year for the disposition of surplus property in accordance with Section 801 of the City Charter and Modesto Municipal Code (MMC), and hereby declares as surplus from February 1, 2006, through January 31, 2007, the property items set forth above.

SECTION 2. The City Manager, or his designated representative, is hereby authorized and directed to sell on consignment to the highest bidder any surplus properties as set forth on the list on file in the City Clerk’s office.

SECTION 3. If said property cannot be sold on consignment as listed above, the City Manager, or his designated representative, is hereby authorized and directed to sell on a sealed bid basis to the highest bidder any surplus properties as set forth on the list on file in the City Clerk’s office.

SECTION 4. If said property cannot be sold on consignment or on a sealed bid basis as provided, then said property may be sold online pursuant to Resolution No. 2006-192, adopted on April 4, 2006.

SECTION 5. If said property cannot be sold on consignment online or on a sealed bid basis as provided for above, then said property may be sold at public auction utilizing the current agreement with The Auction House which was entered into on August 14, 2001, and approved by Council Resolution No. 2003-423. Said resolution provides for
auctioneering services to be provided by The Auction House, subject to the appropriate insurance being on file in the office of the City Clerk, and subject to at least five (5) days notice being given before the time fixed for the sale. The City Clerk shall cause notice thereof to be published in the Modesto Bee, the official newspaper of the City of Modesto. Said notice shall set forth the time and place of the sale and shall state that the list of items to be offered for sale can be inspected in the office of the City Clerk.

SECTION 6. If said property cannot be sold on consignment, on a sealed bid basis, online or through the public auction process, then said property may be sold for scrap.

SECTION 7. The City Central Stores Manager is hereby authorized to contact The Auction House to coordinate pick-up for surplus property after the Purchasing Division has approved the necessary surplus property forms.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of April 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 M Morris, City Clerk

APPROVED AS TO FORM:

By:  

RICHARD RUDNANSKY, Interim City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2006-192

A RESOLUTION APPROVING A ONE (1) YEAR TRIAL AGREEMENT WITH PUBLICSURPLUS.COM OF PROVO, UTAH FOR ONLINE AUCTIONING OF SELECTED SURPLUS PROPERTY FOR THE PERIOD OF FEBRUARY 1, 2006 THROUGH JANUARY 31, 2007

WHEREAS, Section 801 of the City Charter authorizes the City Manager to sell obsolete, unclaimed, or surplus personal property of the City with the approval of the City Council, and

WHEREAS, the City’s surplus items consist of: (1), obsolete traffic signal equipment; (2), lost, stolen, unclaimed and/or seized property, and excess property accumulated by the City; unclaimed bicycles accumulated at the Police Department Evidence and Property Room; and (3), and surplus City vehicles, and

WHEREAS, by Resolution No. 2001-423, the current auction agreement calls for auctioneering services to be provided by the Auction House, and

WHEREAS, the Purchasing Division would like to explore selling selected surplus property online through PublicSurplus.com, and

WHEREAS, the items sold online would consist of surplus items that could possibly bring a higher price over use of a conventional auction, and

WHEREAS, PublicSurplus.com is an Internet auction service company, and

WHEREAS, the Public Surplus Internet auction system was created with unique capabilities exclusively for public agencies, and

WHEREAS, the City of Tucson conducted a competitive Request for Proposal (RFP) process for online auction services, and

WHEREAS, the award of contract went to PublicSurplus.com, and
WHEREAS, this contract has a clause to allow other agencies to “piggyback” on it, and

WHEREAS, Agencies can use the system to organize, automate, and manage their entire surplus inventory operations, and

WHEREAS, System capabilities includes the following:

• PublicSurplus.com helps agencies comply with State, and Local Regulations and policies by automatically maintaining audit records, and

• PublicSurplus.com is able to attract larger numbers of buyers from an Agency’s own community, as well as specialty buyers from across the United States, and

• There is no cost to Agencies for registering, listing or re-listing items for sale, and

• There is an 8% fee payable only when items sell, and

• No commitment is required and use by an agency is solely at their discretion, and

WHEREAS, historically, the estimated gross revenue to be received from the sale of surplus property ranges from $100,000.00 to 175,000, and

WHEREAS, as of December 29, 2005, the City has sold $161,693 of surplus property, and

WHEREAS, revenues from the sale of surplus Fleet vehicles/equipment (less administrative fees) are deposited into the Fleet Replacement Fund, 7210, and

WHEREAS, all revenues received (less administrative fees) from the sale of non-rolling stock are deposited in the General Fund per (MCC 2-7.08), and
WHEREAS, the current auctioneer, The Auction House charges a 6.75% Commission Fee on all rolling stock, (motor drive vehicles), and a 15% Commission Fee for miscellaneous surplus or non-rolling stick (bicycles, office furniture, computers, etc.), and

WHEREAS, PublicSurplus.com will charge an 8% commission fee only when the item has sold, and

WHEREAS, the buyer is responsible for freight costs, and

WHEREAS, exploring other means of surplus property sales will help to ensure that the City takes full advantage of its surplus revenue recovery options, and

WHEREAS, the list of property to be sold will be on file with the City Clerk, and

WHEREAS, the City could sell all surplus as scrap or choose to donate it to charitable organizations, and

WHEREAS, after the auction, the Purchasing Division will prepare a recap memorandum to account for the items sold and the proceeds obtained from the auction, and

WHEREAS, the Purchasing Division on a routine basis coordinates the management of surplus property with both City staff and Central Stores, and

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

SECTION 1. A one (1) year trial agreement with PublicSurplus.com of Provo, Utah for online auctioning of selected surplus property for the period of February 1, 2006 through January 31, 2007 is hereby approved.
SECTION 2. The City Manager or his designee, is hereby authorized to execute said one-year trial agreement with PublicSurplus.com for the online auctioning of selected surplus property for the period of February 1, 2006 through January 31, 2007.

SECTION 3. The Central Stores Manager is hereby authorized to contact PublicSurplus.com to coordinate the online sale of surplus property after the Purchasing Division has approved the necessary surplus property forms.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of April 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. 2006-193

A RESOLUTION AUTHORIZING THE PURCHASING SUPERVISOR TO
FORMALLY SOLICIT REQUEST FOR BIDS (RFB) FOR ONE (1)
HORIZONTAL GRINDER, WITH PREVENTATIVE MAINTENANCE, FOR AN
ESTIMATED ANNUAL COST OF $128,000, AND A TOTAL ESTIMATED COST
OVER FIVE (5) YEARS OF $640,000

WHEREAS, the Parks, Recreation & Neighborhoods Department Solid Waste
Division has requested the lease/purchase of one (1) horizontal grinder, and

WHEREAS, this unit will replace the current tub grinder at the City’s
Composting Facility that has become unreliable and costly to keep operational, and

WHEREAS, this unit has met its life expectancy and funds are available to begin
the lease-purchase, and

WHEREAS, a grinder is an important piece of equipment used to produce
compost, and

WHEREAS, the material to be composted must be ground into chips before it is
placed into long rows similar to hay when it is harvested, and

WHEREAS, these long rows are called windrows, and

WHEREAS, a windrow turner machine is then used to mix the composting
material, and

WHEREAS, this helps stimulate the microorganisms in the material, which break
down coarse organic matter into compost, and

WHEREAS, it is important that the material in the windrows is small enough to
break down rapidly in order to help the material mature into a high quality-composting
product, and to be in compliance with the facility permit, and
WHEREAS, staff currently operates a tub grinder at its composting site on Jennings Road, which was purchased in 1996 and has been used heavily from that point forward, and

WHEREAS, at this time the grinder is worn down and in need of constant repairs, and

WHEREAS, since 2002 over $137,000 has been expended for needed repairs just to keep the machine running, and

WHEREAS, the grinder clutch recently failed and had to be replaced, the feed mill area had to be patched and rebuilt, and other major components have failed or could fail at any time, and

WHEREAS, since this piece of equipment is a key component to the success of the composting operation, it is imperative that staff have access to a reliable grinder, and

WHEREAS, in addition to being very expensive to operate, the breakdowns also impact staff productivity and efficiency, and

WHEREAS, on many occasions staff has been forced to cease producing compost to make the necessary repairs to the grinder, and

WHEREAS, this is an inefficient use of time and adds greatly to the compost production costs, and

WHEREAS, the tub style of grinder currently used by the City also has a slower production rate that the current generation of horizontal grinders, and

WHEREAS, with the current inbound loading rate at the facility on the increase, facility staff has had to operate the tub grinder every day, instead of only a couple of days a week, and
WHEREAS, this also affects the ability to carry out other operations at the site, such as transporting material to the windrows, turning the windrows, pushing up alleys, pulling finished material off the field, screening, and loading outbound trucks, and

WHEREAS, when the City initially began composting operations, tub grinders were considered to be more versatile than horizontal grinders because they could handle the larger materials such as stumps and large logs, and

WHEREAS, however, they are also much more dangerous to operate than the horizontal grinders because they tend to eject large pieces of material into the air, which is a consideration not only for employee safety, but also for the safety of delivery and transport vehicles entering and leaving the site, and

WHEREAS, horizontal grinder technology has also changed greatly over the last eight (8) years, and

WHEREAS, some of the new machines have a much faster throughput and superior performance in handling the materials that come in from containerized yard waster (which makes up the majority of the materials handled at the facility), and

WHEREAS, they are also better at handling hard-to-grind materials such as palm fronds, and can accommodate other organic materials mixed in with the green waste, such as cardboard or paper, and

WHEREAS, this flexibility in processing other materials will be important to the City in meeting waste diversion mandates, as the amount of organic materials that are diverted through composting needs to be increased to meet the mandates, and

WHEREAS, the new generation of horizontal grinders is also able to process larger materials, and
WHEREAS, for any materials such as very large stumps or large logs that cannot be processed by the horizontal grinder, staff is proposing to stockpile these materials on site and contract with an orchard removal company to periodically come in and grind them, and

WHEREAS, required features for the new horizontal grinder the City lease/purchases are as follows: 1,000 hp engine; throughput of 175 tons per hour; minimum gross weight of 99,000 pounds; heavy duty, pin style mill; replaceable plates in all wear areas; 70 inch wide mill to accommodate large wood from tree removals; large hopper area behind the mill to prevent plugging with wet materials, and, 60 inch wide discharge conveyor, and

WHEREAS, the existing tub grinder will be declared surplus and sold via sealed bid, with a minimum sealed bid price, and

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

WHEREAS, this Request for Bid conforms to the Municipal Code, and

WHEREAS, funds are available in accounts: 7210-800—8000-8003 (FLEET SERVICES-REPLACEMENT/GRINDER) and 7210-800-8000-8003 (FLEET SERVICES-REPLACEMENT/LOADERS), and

WHEREAS, funds have continued to be set aside in the Fleet Services account for the replacement of two (2) loaders used at the facility, although the facility currently has a lease/purchase arrangement for this equipment, and funds are already allocated in the operating budget to make the lease payments, and
WHEREAS, staff is therefore proposing to use a portion of the $80,000 in replacement funds available for the loader to make up the balance of the first annual payment for the grinder, and

WHEREAS, the proformas for future budget years have built in the additional cost of the annual lease/purchase payments for the grinder on an on-going basis, and

WHEREAS, at its November 7, 2005, meeting the Economic Development Committee considered the lease/purchase of a grinder in Fiscal year 2006-2007 as part of their considerations for the continued operations of the Compost Facility, and concurred with the staff recommendations that the facility continue operations,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Purchasing Supervisor is hereby authorized to solicit formal Request for Bids for the lease/purchase of one (1) horizontal grinder for the City of Modesto Compost Facility for an estimated annual cost of $128,000, and a total estimated cost over five (5) years as follows:

SECTION 1. The City Clerk is hereby authorized to call for public formal bids for the lease/purchase of one (1) horizontal grinder for the City of Modesto Compost Facility for an estimated annual cost of $128,000, and a total estimated cost over five (5) years of $640,000 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 bids are opened, they shall be tabulated and analyzed 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 4th day of April 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. 2006-194

A RESOLUTION AUTHORIZING THE FINANCE DEPARTMENT TO TRANSFER $128,000 FROM ACCOUNT NUMBER 7120-800-8000-8003 TO ACCOUNT NUMBER 6290-480-5222-5900, AND TO AMEND THE BUDGET TO APPROPRIATE THESE FUNDS FOR THE LEASE/PURCHASE OF A HORIZONTAL GRINDER, WITH PREVENTIVE MAINTENANCE, FOR AN ESTIMATED ANNUAL COST OF $128,000, AND A TOTAL ESTIMATED COST OVER FIVE (5) YEARS OF $640,000

WHEREAS, the Parks, Recreation & Neighborhoods Department Solid Waste Division has requested the lease/purchase of one (1) horizontal grinder, and

WHEREAS, this unit will replace the current tub grinder at the City’s Composting Facility that has become unreliable and costly to keep operational, and

WHEREAS, this unit has met its life expectancy and funds are available to begin the lease-purchase, and

WHEREAS, fund are available in accounts: 7210-800—8000-8003 (FLEET SERVICES-REPLACEMENT/GRINDER) and 7210-800-8000-8003 (FLEET SERVICES-REPLACEMENT/LOADERS), and

WHEREAS, funds have continued to be set aside in the Fleet Services account for the replacement of two (2) loaders used at the facility, although the facility currently has a lease/purchase arrangement for this equipment, and funds are already allocated in the operating budget to make the lease payments, and

WHEREAS, staff is therefore proposing to use a portion of the $80,000 in replacement funds available for the loader to make up the balance of the first annual payment for the grinder,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a resolution authorizing the Finance Department to transfer...
$128,000 from account 7210-800-8000-8003 to account 6290-480-5222-5900, and to amend the budget to appropriate said funds for the lease/purchase of a horizontal grinder, with preventative maintenance, for an estimated annual cost of $128,000, and a total estimated cost over five (5) years of $640,000.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of April 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. 2006-195

A RESOLUTION CONSENTING TO THE AMENDMENT OF THE ENERGY AGREEMENT BETWEEN CONVANTA STANISLAUS, INC. AND PACIFIC GAS AND ELECTRIC COMPANY (PG&E)

WHEREAS, the City of Modesto and the County of Stanislaus (the Contracting Communities) are joint partners in the Waste-to-Energy Facility with Covanta Stanislaus, Inc., and

WHEREAS, in the mid-1980's, the Contracting Communities entered into a long-term Service Agreement with Covanta Stanislaus, Inc. (then Ogden Martin Systems of Stanislaus) for the construction and operation of the facility, and

WHEREAS, the “Power Purchase Agreement For Long-Term Energy and Capacity Between Stanislaus Waste Energy Company (Covanta) and Pacific Gas and Electric Company” (Energy Agreement), a “Standard Offer #4 Agreement”, is incorporated as Schedule 11 in the Service Agreement, and

WHEREAS, pursuant to Section 9.03 of the Service Agreement, no amendment to the Energy Agreement (Standard Offer #4 Power Purchase Agreement) shall be made without the consent of the Contracting Communities, and

WHEREAS, such consent of the Contracting Communities shall not be unreasonably withheld, and

WHEREAS, in July, 2001, the Contracting Communities adopted resolutions consenting to the amendment of the Energy Agreement between Covanta and PG&E for a 5-year, fixed price term at $0.0537 per kilowatt plus a capacity payment, and

WHEREAS, the term of the amended Agreement expires on July 15, 2006, and
WHEREAS, the Independent Energy Producers Association, to which the Contracting Communities belong, has negotiated the terms of a new amendment to the Energy Agreement on behalf of its members, which will have a new energy price of $0.0645 per kilowatt, and

WHEREAS, starting on the day one year after commencement of the Fixed Price Period, the fixed energy price shall be escalated 1% and annually thereafter at each anniversary of the commencement of the Fixed Price Period, and

WHEREAS, PG&E will continue to pay the Capacity Payments, and

WHEREAS, the cumulative impact of the increase in the base energy payments will be an increase in energy revenues to the project of approximately $1.3 million per year, and

WHEREAS, City and County staff have evaluated the potential benefits of consenting to the execution of a long-term, fixed-price contract, and have determined that such a contract would be beneficial to the ratepayers of the City and County in that the fixed prices will minimize risk and add stability to the finances of the project, and the additional revenues generated by the new contract would be set aside in the reserves for rate stabilization, capital projects, and for end-of-contract contingencies, and

WHEREAS, at its March 23, 2006 meeting, the Waste-to-Energy Executive Committee directed staff to bring a recommendation to the City Council and Board of Supervisors to adopt resolutions consenting to the amendment of the Energy Agreement Between Covanta Stanislaus, Inc. and Pacific Gas and Electric Company,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby consents to the amendment of the Energy Agreement between Covanta
Stanislaus, Inc. and Pacific Gas and Electric Company, under the terms negotiated by the Independent Energy Producers Association as described herein.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of April 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. 2006-196

A RESOLUTION THAT NO ACTION BE TAKEN AT THIS TIME TO CALL THE HOUSING MAINTENANCE PROGRAM LOAN TO MS. GENEVA TITTLE, SECURED BY REAL PROPERTY AT 417 YOSEMITE AVENUE, DUE AND PAYABLE, AND THAT THE STATUS OF THE LOAN BE REVIEWED ON OR BEFORE MARCH 10, 2011, ON CONDITION THAT STAFF MAY REVIEW THE LOAN STATUS AT ANYTIME BEFORE MARCH 10, 2011, AND RECOMMEND OPTIONS TO COUNCIL INCLUDING PURSUIT OF REMEDIES TO CALL THE LOAN OR ENFORCE LOAN PROVISIONS INCLUDING FORECLOSURE PROCEEDINGS

WHEREAS, in March 1986, a deferred payment 20-year Housing Maintenance Program Loan at 3% interest was made to Ms. Geneva Tittle for rehabilitation of her home at 417 Yosemite Avenue, and

WHEREAS, this loan required owner occupancy, and

WHEREAS, since that time Ms. Geneva Tittle has passed away, and

WHEREAS, legal title to the property remains in Ms. Geneva Tittle’s name, and

WHEREAS, Ms. Geneva Tittle’s son, Mr. Charles Tittle, has resided in the home since Ms. Geneva Tittle’s death and continues to reside in the home, and

WHEREAS, staff is recommending that no action be taken now to call the loan due and payable, and

WHEREAS, staff recommends that the status of the loan be reviewed on or before March 10, 2011, on the condition that staff may review the loan anytime before March 10, 2011, and recommend options to Council including the initiation of remedies to call the loan due and payable or enforce loan provisions, including foreclosure proceedings, and
WHEREAS, the Housing Rehabilitation Loan Committee met on March 2, 2006, and supported staff’s recommendation,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that no action be taken at this time to call the loan made to Ms. Geneva Tittle secured by the residential property at 417 Yosemite Avenue.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the status of the loan be reviewed on or before March 10, 2011, on condition that staff may review the loan at anytime before March 10, 2011, and recommend options to Council including pursuit of remedies to call the loan due and payable or enforce loan provisions, including foreclosure proceedings.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of April 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. 2006-197

A RESOLUTION APPROVING A CODE ENFORCEMENT MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE CITY OF MODESTO AND THE COUNTY OF STANISLAUS FOR THE WEED AND SEED AREA

WHEREAS, on June 1, 2005, the City of Modesto (City) and County of Stanislaus (County) were officially, and jointly, designated as an official U.S. Department of Justice Weed and Seed area; the U.S. Department of Justice created the Weed and Seed Program in 1991 and started with three pilot sites, and

WHEREAS, due to the success in those three pilot sites, the number of designated sites has quickly risen to over 250 sites throughout the United States, and

WHEREAS, there are 19 sites in the State of California, including sites in Sacramento and Fresno, and

WHEREAS, the Executive Office of Weed and Seed (EOWS) currently oversees the grant management, technical assistance, training programs and resources to support designated Weed and Seed sites, and

WHEREAS, the City and County Weed and Seed designated area is from State Route 99 Southwest on H Street/Paradise Road to Carpenter Road; from Carpenter Road south to the Tuolumne River, the River east to State Route 99 and State Route 99 north to H Street, and

WHEREAS, the Weed and Seed strategy is a community based multi-agency approach to law enforcement, crime prevention and neighborhood restoration, with the “Weeding” aspect of the strategy consists of law enforcement and prosecutors’ efforts to weed out criminals who participate in violent crime and illegal drug activity through
enforcement, prosecution, and adjudication and supervision efforts and the “Seeding” involving bringing in prevention, intervention, treatment and neighborhood revitalization services to the area, and

WHEREAS, the Steering Committee of residents within the designated Weed and Seed area, as well as County and City jurisdictions have been operating since a meeting held on February 28, 2003, and have approved the Steering Committee, the designated area and the Strategic Plan, and

WHEREAS, one of the important elements of the Weed and Seed strategy is code enforcement, and

WHEREAS, the purpose of this MOU is to facilitate cooperation between the County’s “Code Enforcement Unit” and the City’s “Neighborhood Preservation Unit” and to enhance the quality of life for the residents within the Project Area pro-actively, rather than reactively, by enforcing the parties’ respective ordinances, cleaning blighted neighborhoods, and removing or boarding-up abandoned and dilapidated homes or structures, and

WHEREAS, the City and the County acknowledge that working together is the most efficient way to attain neighborhood restoration, with both the City and the County committed to the Weed and Seed area, and

WHEREAS, both agencies have started initial education and enforcement within the boundaries of the Weed and Seed area, and

WHEREAS, the MOU attached hereto and incorporated herein by reference will solidify each agency’s commitment to this project and outlines cooperative efforts between both agencies, and
WHEREAS, the Safety and Communities Committee met on March 6, 2006, and supported the establishment of the MOU,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves a Code Enforcement Memorandum of Understanding (MOU) between the City of Modesto and the County of Stanislaus for the Weed and Seed area.

BE IT FURTHER RESOLVED that the Council hereby authorizes the City Manager to execute the MOU.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of April 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
MEMORANDUM OF UNDERSTANDING

STANISLAUS COUNTY
DEPARTMENT OF ENVIRONMENTAL RESOURCES
CODE ENFORCEMENT UNIT
AND
CITY OF MODESTO
PARKS, RECREATION and NEIGHBORHOODS DEPARTMENT
NEIGHBORHOOD PRESERVATION UNIT

WEED AND SEED PROJECT

MODESTO AREA WEED AND SEED PROJECT

This Memorandum of Understanding (MOU) is made and entered into by and between the County of Stanislaus (the "County") and the City of Modesto (the "City") on ________________, 2006.

INTRODUCTION

Weed and Seed is a neighborhood restoration project combining the resources of many agencies and local residents to create a grassroots movement to "weed" out crime and blight of the neighborhood and "seed in activities, programs and training that will keep the "weeds" out.

Weed and Seed is a 5-year, community-based, multi-agency approach to law enforcement, crime prevention, and neighborhood restoration. "Weeding" consists of law enforcement and prosecutorial efforts to weed out criminals who participate in violent crime and illegal drug activity through enforcement, adjudication, and prosecution and supervision efforts. "Seeding" brings prevention, intervention, treatment, and neighborhood revitalization services to the Project Area.

The Project Area is depicted in the map attached hereto as Exhibit "A" and consists of the area south of "H" Street and Paradise Road, east of Carpenter Road, north of the Tuolumne River, and west of State Route 99. Within the boundaries are Marshall Park, César Chávez Park, Tuolumne River Regional Park, Bellenita Park, Dryden Golf Course, Municipal Golf Course, Fire House #2; and the Southwest Police Department. The Project Area includes incorporated and unincorporated areas. (The "Project Area")
NOW, THEREFORE, the parties agree as follows:

1. PURPOSE

The City of Modesto Parks, Recreation and Neighborhoods Department's Neighborhood Preservation Unit (the "NPU") and the Stanislaus County's Code Enforcement Unit (the "CEU") are tasked with code enforcement for their respective entities. The purpose of this MOU is to facilitate cooperation between the parties' code enforcement units and to enhance the quality of life for the residents within the Project Area by pro-actively, rather than reactively, enforcing the parties' respective ordinances, cleaning blighted neighborhoods, and removing or boarding-up abandoned and dilapidated homes or structures. The City and the County acknowledge that working together is the most efficient way to attain neighborhood restoration.

2. OBLIGATION OF THE CITY

The NPU will supply at least one staff member to perform code enforcement in the incorporated areas of the City within the Project Area for a minimum of twelve hours per week.

3. OBLIGATION OF THE COUNTY

The CEU will supply at least one staff member to perform code enforcement in the unincorporated County areas within the Project Area for a minimum of twelve hours per week.

4. MUTUAL OBLIGATIONS

4.1 The CEU and NPU staff members will work together in the Project Area by visiting problem properties in the area together and will assist each other by, among other things, being a resource of information. The CEU and NPU staff members will jointly designate a time and a place for assembly each day enforcement activities are to take place in the Project Area.

4.2 The CEU and NPU staff members will meet at least once a month with law enforcement personnel assigned to the Project area to discuss problem properties.

4.3 Costs associated with staffing the Project Area under this MOU shall be the responsibility of the respective employer.

4.4 All costs associated with code enforcement shall be the responsibility of the party having jurisdiction where the violations have occurred.
5. TERMINATION

This MOU will terminate after five years from the date entered above. However, either party may terminate this MOU upon 30 days written notice to the other party.

6. INDEMNITY

Neither party, nor any of its officers or employees, shall be responsible for any damage or liability occurring by reason of anything done or omitted to be done by the other party under or in connection with any work delegated to that party under this MOU. The parties further agree, pursuant to Government Code section 895.4, that each party shall fully indemnify and hold harmless the other party and its agents, officers, employees and contractors from and against all claims, damages, losses, judgments, liabilities, expenses and other costs, including litigation costs and attorney fees, arising out of, resulting from, or in connection with any work delegated to or action taken or omitted to be taken by such party under this MOU.

In Witness Whereof, the parties hereto have executed this MOU on the date and year first written above.

________________________________________
Sonya Harrigfeld, Director
Department of Environmental Resources
Stanislaus County

______________________________
George W. Britton
Modesto City Manager
MODESTO CITY COUNCIL  
RESOLUTION NO. 2006-198  

A RESOLUTION APPROVING CHANGES TO THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) POLICY AND PROCEDURES MANUAL FOR THE HOUSING MAINTENANCE PROGRAM (HMP)  

WHEREAS, the Housing Maintenance Program was established by City Council in 1976 to ensure that an entire selected area, known as a Target Area, would be brought to compliance with the Modesto Housing Code, and  

WHEREAS, a Target Area is a geographic area, located in a low-income census tract that is in need of substantial revitalization to preserve the existing housing stock, and  

WHEREAS, any Target Area recommended by City staff must meet specific requirements defined by California Health and Safety Code sections 33030 and 33320.1, and  

WHEREAS, the Target Area was approved by the City Council on January 18, 1994, Resolution No. 94-42, and  

WHEREAS, the philosophy of a Target Area is that, through revitalization and on-going maintenance, not only will existing housing stock be preserved, but also an entire neighborhood will become safer and more attractive, and  

WHEREAS, the CDBG Policy and Procedures Manual was last revised and approved by City Council Resolution No. 99-148 on April 13, 1999, and  

WHEREAS, in December 2005, the San Francisco Office of the Department of Housing and Urban Development (HUD) recommended the City of Modesto update its
current guidelines to affirm the intent of service and assistance to Modesto’s low- and moderate-income community, and

WHEREAS, HUD eligibility requires that every CDBG-funded activity must meet one of three national objectives:

1) Provide a benefit to low- and moderate-income persons;

2) Prevent or eliminate slum or blight; and 3) Meet an urgent community development need that threatens the health or welfare of the community, and

WHEREAS, currently, the Housing Maintenance Program Target Area program falls under HUD’s first objective, which is to benefit low- and moderate-income persons, that is households with incomes less than 80% of MAI, and

WHEREAS, recommended changes for the Housing Maintenance Program are:

1. Limit funding of Housing Maintenance Program Loans to households with income less than 80% of MAI, and

2. Provide one-time maximum recommended loans in the amount of $7,500 per household for incomes between 80% and 120% MAI to correct Notice and Order violations only in the existing Highway Village mandatory Target Area, and

WHEREAS, this information was presented to the Housing Rehabilitation and Loan Committee (HRLC) on February 2, 2006, and the Citizens Housing and Community Development Committee (CH&CDC) on February 24, 2006, and

WHEREAS, both the HRLC and the CH&CDC recommended these changes,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves the following changes to the Community Development
Block Grant (CDBG) Policy and Procedures Manual for the Housing Maintenance Program (HMP):

1. Limit funding of Housing Maintenance Program Loans to households with income less than 80% of MAI, and

2. Provide one-time maximum recommended loans in the amount of $7,500 per household for incomes between 80% and 120% MAI to correct Notice and Order violations only in the existing Highway Village mandatory Target Area.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of April 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. 2006-199

A RESOLUTION AMENDING THE FISCAL YEAR 2005/2006 CAPITAL IMPROVEMENT PROGRAM TO 1) TRANSFER $30,000 FROM 2300-310-M182-6060, MADDUX YOUTH CENTER, CONSTRUCTION ADMINISTRATION, TO 2300-310-M182-6070, EQUIPMENT; 2) TRANSFER $3,217 FROM 2300-310-M182-6040, MADDUX YOUTH CENTER, CONSTRUCTION, TO 2300-310-M182-6070, EQUIPMENT; AND 3) RE-ALLOCATE $70,000 IN ROBERTI-Z’BERG-HARRIS BLOCK GRANT FUNDING FROM THE STATE OF CALIFORNIA CLEAN WATER, CLEAN AIR, SAFE NEIGHBORHOOD PARKS AND COASTAL PROTECTION BOARD ACT OF 2002 (PROPOSITION 40) IN PROJECT 2330-310-P500-6040, KING-KENNEDY KITCHEN AND AUDITORIUM CONSTRUCTION TO 2300-310-M182-6070, MADDUX YOUTH CENTER EQUIPMENT

WHEREAS, the Parks, Recreation & Neighborhoods Department, Parks Planning & Development Division, has requested amending the Fiscal Year 2005/2006 Capital Improvement Program to purchase necessary furnishings, i.e., fitness equipment, office and lounge furniture and member card scanner, to appropriately furnish the newly remodeled Maddux Youth Center for the building opening in spring 2006, and

WHEREAS, the appropriation transfer request is as follows:

- Transfer $30,000 from 2300-310-M182-6060, Maddux Youth Center, Construction Administration, to 2300-310-M182-6070, Equipment; and
- Transfer $3,217 from 2300-310-M182-6040, Maddux Youth Center, Construction, to 2300-310-M182-6070, Equipment; and
- Re-allocate $70,000 in Roberti-Z’Berg-Harris Block Grant funding from the State of California Clean Water, Clean Air, Safe Neighborhood Parks and Central Protection Bond Act of 2002 (Proposition 40) in project 2330-310-P500-6040, King-Kennedy Kitchen and Auditorium.
Construction to 2300-310-M182-6070, Maddux Youth Center

Equipment, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves a transfer of $30,000 from 2300-310-M182-6060, Maddux Youth Center, Construction Administration, to 2300-310-M182-6070, Equipment; a transfer of $3,217 from 2300-310-M182-6040, Maddux Youth Center, Construction, to 2300-310-M182-6070, Equipment; and a reallocation of $70,000 in Roberti-Z’Berg-Harris Block Grant funding from the State of California Clean Water, Clean Air, Safe Neighborhood Parks and Central Protection Bond Act of 2002 (Proposition 40) in project 2330-310-P500-6040, King-Kennedy Kitchen and Auditorium Construction to 2300-310-M182-6070, Maddux Youth Center Equipment,

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of April 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 AUTHORIZING THE PURCHASING MANAGER TO SOLICIT AND AWARD INFORMAL REQUEST FOR BIDS (RFB) FOR THE PURCHASE OF FURNISHINGS, FIXTURES AND EQUIPMENT (DEFINED IN SIX (6) GROUPS) FOR THE MADDUX YOUTH CENTER, AT AN ESTIMATED TOTAL COST OF $87,806

WHEREAS, the Maddux Youth Center was built in 1952 and is located in the existing Cesar Chavez Park; the old center housed a gym, a weight room, and offices for staff, and

WHEREAS, on March 8, 2005, City Council approved Resolution No. 2005-123 authorizing the renovation, expansion and remodel of the youth center to meet the needs of the neighborhood and the community’s youth; as such a 2,500-square-foot addition on the south side of the building will be utilized for a computer lab, as well as additional restrooms, and a multi-purpose room, and

WHEREAS, a 3,500-square-foot addition to the northeast side of the building would accommodate the activities of the Police Activities League (PAL) Youth Boxing Program; renovation to the existing 9,451-square-foot structure includes a new roof with skylights, a new air handling system, replacement of interior and exterior doors, enclosure of existing windows, abatement of the asbestos in the flooring, and installation of new flooring in the facility, excluding the gym, and

WHEREAS, on January 10, 2006, Council approved Resolution No. 2006-027, authorizing the use of funds for necessary furnishings and equipment for the Maddux Youth Center; however, there was no language in the Resolution authorizing the Purchasing Manager to solicit bids for the furnishings and equipment, and
WHEREAS, currently, the Maddux Youth Center is under the last phase of construction and slated to be opened in early summer 2006; City staff has prepared specifications for the necessary furnishings, i.e., fitness equipment, office and lounge furniture and membership card scanner, to appropriately furnish the building for the opening, and

WHEREAS, the Modesto Municipal Code, MMC 8-3.203, generally requires all purchases which meet or exceed $50,000 for material, equipment or contractual services to be formally bid; however, one exception to the code (8-3.204 (d)), allows for the Purchasing Manager, in his/her discretion, to use a process other than the formal bid procedure to procure items for the City at the lowest possible cost commensurate with the desired quality, and

WHEREAS, based on the nature of this request, the Purchasing Manager evoked that exception for this purchase; the solicitation of informal competitive bids for the purchase of furnishing, fixtures and equipment for the Maddux Youth Center will conform to MMC Section 8-3.203 and demonstrate that a competitive process was met,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby authorizes the Purchasing Manager to solicit informal competitive bids for the purchase of furnishings, fixtures and equipment for the Maddux Youth Center, evaluate bid responses for the best overall value to the City, and issue purchase orders to the selected vendors, at an estimated total cost of $87,806.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of April 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. 2006-201

A RESOLUTION AMENDING THE FISCAL YEAR 2005-06 CAPITAL IMPROVEMENT PROGRAM TO ESTABLISH A CIP PROJECT, COMPOST MAINTENANCE BUILDING, AND TRANSFERRING $35,000 FROM THE COMPOST FUND RESERVE, 6290-800-8000-8003 TO THE NEW PROJECT TO COMPLETE THE COMPOST MAINTENANCE BUILDING

WHEREAS, in FY 2005-2006, engineered foundations and a concrete slab were poured and a 50 by 60 foot metal building was erected at the City’s Compost Facility on Jennings Road, and

WHEREAS, the purpose of this building was to be able to perform daily maintenance on the heavy equipment and trucks used in composting operations, and

WHEREAS, previously, staff at the site was maintaining this expensive equipment outside on a paved area of the Compost site, which created traffic and weather related safety hazards and also subjected employees to unacceptable working conditions, as they had no shelter from wet weather during the winter or heat during the summer, while they were working on the equipment, and

WHEREAS, this maintenance building was purchased and constructed over a period of two years, and should have been included in the CIP, and

WHEREAS, the total cost of the metal building and the foundation and slab exceeded the $50,000 limit for public works projects and should have been put out to formal competitive bid, with the successful bid awarded by the City Council, and

WHEREAS, informal bids were solicited for the metal building and the foundation/slab, bids for each component were solicited separately, and did not receive Council approval, and
WHEREAS, this project became the subject of an internal audit report, which found that the construction of the building did not comply with the City Charter and Municipal Code with regard to obtaining bids for public works projects, and

WHEREAS, work on the building was halted until the work needed to complete the maintenance building was in compliance with the Charter and Municipal Code, and

WHEREAS, the remaining work on the exterior of the maintenance building is the installation of heavy-duty, motorized roll-up doors to secure the building and provide a weather-tight work area, and

WHEREAS, preliminary estimates for these doors and the motors indicate that completion of this work will be approximately $20,000, and

WHEREAS, in addition, the interior of the building needs to be completed, including the installation of storage cabinets, workbenches, and shelving, and the purchase of a welder and various tools for working on the equipment, and

WHEREAS, preliminary estimates for the completion of the interior indicate that this work will cost approximately $15,000, and

WHEREAS, staff is therefore requesting that the City Council approve amending the Fiscal Year 2005-06 Capital Improvement Program to establish a CIP project, Compost Maintenance Building, and transferring $35,000 from the Compost Fund Reserve, 6290-800-8000-8003 to the new project to complete the Compost Maintenance Building, and

WHEREAS, following Council approval, bids will be obtained for the remaining work, and
WHEREAS, the Economic Development Committee met on March 13, 2006, and supported the recommendation to amend the Fiscal Year 2005-06 Capital Improvement Program to establish a CIP project, Compost Maintenance Building, and transferring $35,000 from the Compost Fund Reserve, 6290-800-8000-8003 to the new project to complete the Compost Maintenance Building.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Fiscal Year 2005-06 Capital Improvement Program to establish a CIP project, Compost Maintenance Building, and transferring $35,000 from the Compost Fund Reserve, 6290-800-8000-8003 to the new project to complete the Compost Maintenance Building.

BE IT FURTHER RESOLVED that the Finance Director, or her 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 4th day of April 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. 2006-202

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

Compost Facility Supervisor

The job specification for this classification is being created to serve as a first level supervisor to the compost facility. The job specification for the classification of Compost Facility Supervisor, as shown on the attached Exhibit “A,” which is hereby made a part of this resolution by reference, is hereby approved and made part of the Position Classification Plan of the City of Modesto.

SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after April 4, 2006.
The foregoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 4th day of April 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
COMPOST FACILITY SUPERVISOR

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

DEFINITION

To assign and supervise the work of crews engaged in compost site operations, maintenance, repair and/or construction work; and to provide staff assistance to higher-level management staff.

SUPERVISION RECEIVED AND EXERCISED

Receives direction from higher level supervisory and management staff.

Exercises direct supervision over compost facility staff.

May provide supervision to technical support staff.

ESSENTIAL AND MARGINAL FUNCTION STATEMENTS

Essential and other important responsibilities may include, but are not limited to, the following:

**Essential Functions:**

Plan, prioritize, assign, supervise, and review the work of staff involved in the operations, maintenance, repair and construction of City compost facility activities, infrastructure, equipment, grounds, and land.

Assist in estimating and scheduling work to be done and in determining type and quantities needed for such work.

Assist in project management.

Develop and maintain preventative maintenance, asset and equipment inventory programs.

Supervise the use of special equipment involved in composting.

Maintain accurate and up-to-date records and conduct monitoring and testing programs as required by state and federal laws and regulations.

Exhibit "A"
Essential Functions: (Continued)

Coach and evaluate subordinate staff on work performance.

Evaluate composting operations and activities, recommend improvements and modifications; prepare various reports on operations, maintenance, and activities.

Assist in developing and administering work unit and/or Division budget.

Participate in the selection of staff; provide or coordinate staff training; work with employees to correct deficiencies; implement discipline procedures.

Answer questions and provide information to the public; investigate complaints and recommend corrective action as necessary to resolve complaints.

Coordinate work unit safety program including ensuring that training is provided as appropriate.

Provide training for staff in the full range of compost facility operations, maintenance, repair, and construction.

Oversee operation of a full range of heavy and light equipment as needed such as grinders, screens, windrow turners, backhoes, loaders, dump trucks, and various trucks.

Provide technical advice and assistance to subordinate staff.

Maintain time, material, and equipment use records.

Requisition supplies and materials.

Marginal Functions:

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Materials, methods, practices, equipment and elements of compost facility operations.

Types and level of operations, maintenance and repair activities generally performed in a compost operation.

Exhibit "A"
Knowledge of: (Continued)

Principles of supervision, training, and performance evaluation.

Safe work practices.

Pertinent sections of health & safety, labor codes, and state and federal laws and regulations pertaining to compost facility operations.

Word processing and spreadsheet applications, and Internet usage necessary for job performance.

Report writing.

Cost accounting.

Ability to:

Plan, estimate, direct, coordinate, schedule and review the work of others.

Operate and maintain equipment and tools used in the field.

Identify and implement effective courses of action to complete assigned work.

Keep records and make reports.

Supervise, train and evaluate assigned staff.

Communicate clearly and concisely, both orally and in writing.

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

Coordinate work assignments with other divisions, departments, agencies and volunteer groups.

Experience and Training Guidelines:

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

Exhibit "A"
Experience:

Five years of increasingly responsible experience performing compost facility operations, construction, repair and maintenance work, including two years of supervisory or four years of lead or journey responsibility.

Training:

Equivalent to completion of the twelfth grade.

License or Certificate:

Possession of a valid Class A or Class B Commercial California Driver's License with specific endorsements, as assigned, is required within 45 days of appointment. Failure to obtain the required license may result in release from probation or termination.

When assigned, possession of a valid crane operators certificate, issued by the National Commission of Crane Operators is required within six months of assignment.

WORKING CONDITIONS

Environmental Conditions:

Field environment, hot and cold temperatures, and inclement weather; exposure to noise, dust, grease, smoke, fumes, gasses and potentially hazardous chemicals; work with wastewater bio-solids.

Physical Conditions:

Essential and marginal functions may require maintaining physical condition necessary for walking or standing for prolonged periods of time, and operating vehicles.
MODESTO CITY COUNCIL
RESOLUTION NO. 2006-203

A RESOLUTION AMENDING EXHIBIT "A" OF RESOLUTION NO. 2005-494 TO AMEND THE CLASS RANGE TABLE FOR REPRESENTED MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES TO ADD COMPOST FACILITY SUPERVISOR AT SALARY RANGE 432

WHEREAS, the City Council desires to amend Exhibit "A" of Resolution No. 2005-494, which approved the Class Range Table for Represented Management and Non-Sworn Classes,

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

SECTION 1. AMENDMENT TO RESOLUTION NO. 2005-494 Exhibit "A" entitled, "City of Modesto Class Range Table Represented Management and Confidential Non-Sworn Classes Effective October 4, 2005", attached to Resolution No. 2005-494, is hereby amended as shown on the amended Exhibit "A" entitled “City of Modesto Class Range Table Represented Management and Confidential Non-Sworn Classes Effective April 4, 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 Compost Facility Supervisor at Salary Range 432 ($4,612 - $5,620 per month).

SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after April 4, 2006.
The foregoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 4th day of April 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: JeAnn Morris, City Clerk

APPROVED AS TO FORM:

By Richard Rudnansky, City Attorney
<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)  
<pre><code>   | Legal Services Technician |
</code></pre>
<p>| 421   |       |</p>
<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
</tr>
</thead>
<tbody>
<tr>
<td>422</td>
<td>Office Supervisor Utility Dispatch Supervisor Workers' Compensation Claims Examiner I Systems Technician II</td>
</tr>
<tr>
<td>423</td>
<td>Custodian Supervisor</td>
</tr>
<tr>
<td>424</td>
<td>Assistant Planner Buyer Police Facilities Coordinator</td>
</tr>
<tr>
<td>425</td>
<td>Administrative Analyst I</td>
</tr>
<tr>
<td>426</td>
<td>Supervising Animal Control Officer Police Civilian Supervisor Stores Manager Systems Technician III</td>
</tr>
<tr>
<td>427</td>
<td>Assistant City Clerk/Auditor Legal Services Administrator Workers' Compensation Claims Examiner II</td>
</tr>
<tr>
<td>428</td>
<td>Accountant II (Represented) Senior Buyer</td>
</tr>
<tr>
<td>429</td>
<td></td>
</tr>
<tr>
<td>430</td>
<td>Associate Planner Community Services Supervisor Events Coordinator Junior Civil Engineer Junior Traffic Engineer Senior Crime Analyst Software Analyst I</td>
</tr>
<tr>
<td>431</td>
<td>Administrative Analyst II Assistant Risk Manager Budget Analyst I Personnel Analyst Recycling Program Coordinator</td>
</tr>
<tr>
<td>RANGE</td>
<td>TITLE</td>
</tr>
<tr>
<td>-------</td>
<td>-------</td>
</tr>
<tr>
<td>432</td>
<td>Communications Specialist</td>
</tr>
<tr>
<td></td>
<td><strong>Compost Facility Supervisor</strong></td>
</tr>
<tr>
<td></td>
<td>Customer Services Supervisor</td>
</tr>
<tr>
<td></td>
<td>Neighborhood Preservation Supervisor</td>
</tr>
<tr>
<td></td>
<td>Operations and Maintenance Supervisor</td>
</tr>
<tr>
<td></td>
<td>Recreation Supervisor II</td>
</tr>
<tr>
<td></td>
<td>Senior Accountant</td>
</tr>
<tr>
<td></td>
<td>Water Quality Control Maintenance Supervisor</td>
</tr>
<tr>
<td></td>
<td>Water Quality Control Operations Supervisor</td>
</tr>
<tr>
<td>433</td>
<td>Organizational Development Specialist</td>
</tr>
<tr>
<td>434</td>
<td>Assistant Civil Engineer</td>
</tr>
<tr>
<td></td>
<td>Assistant Traffic Engineer</td>
</tr>
<tr>
<td></td>
<td>Budget Analyst II</td>
</tr>
<tr>
<td></td>
<td>Environmental Laboratory Supervisor</td>
</tr>
<tr>
<td></td>
<td>Operations Supervisor</td>
</tr>
<tr>
<td></td>
<td>Regulatory Compliance Supervisor</td>
</tr>
<tr>
<td></td>
<td>SCADA Supervisor</td>
</tr>
<tr>
<td></td>
<td>Senior Community Development Program Specialist</td>
</tr>
<tr>
<td></td>
<td>Senior Housing Rehabilitation Specialist</td>
</tr>
<tr>
<td></td>
<td>Software Analyst II</td>
</tr>
<tr>
<td></td>
<td>Supervising Accountant</td>
</tr>
<tr>
<td></td>
<td>Systems Engineer I</td>
</tr>
<tr>
<td>435</td>
<td>Business Analyst</td>
</tr>
<tr>
<td></td>
<td>Cultural Services Manager</td>
</tr>
<tr>
<td></td>
<td>Emergency Medical Services Coordinator</td>
</tr>
<tr>
<td></td>
<td>Integrated Waste Specialist</td>
</tr>
<tr>
<td></td>
<td>Management Analyst</td>
</tr>
<tr>
<td></td>
<td>Senior Personnel Analyst</td>
</tr>
<tr>
<td></td>
<td>Weed and Seed Program Coordinator</td>
</tr>
<tr>
<td>436</td>
<td>Electrical Supervisor</td>
</tr>
<tr>
<td></td>
<td>Senior Planner</td>
</tr>
<tr>
<td>437</td>
<td></td>
</tr>
<tr>
<td>RANGE</td>
<td>TITLE</td>
</tr>
<tr>
<td>-------</td>
<td>-------</td>
</tr>
</tbody>
</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  
<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   |       |
| 450   |       |
| 451   |       |
| 452   |       |
| 453   |       |
| 455   |       |
MODESTO CITY COUNCIL
RESOLUTION NUMBER 2006-204

A RESOLUTION ACCEPTING A MINI-GRANT IN THE AMOUNT OF $64,996 FROM THE CALIFORNIA OFFICE OF TRAFFIC SAFETY FOR THE CALIFORNIA SEAT BELT COMPLIANCE CAMPAIGN MINI-GRANT, CLICK IT OR TICKET, FOR OVERTIME SEAT BELT ENFORCEMENT, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE NECESSARY DOCUMENTS

WHEREAS, the Modesto Police Department submitted an application in the amount of $64,996 from the California Office of Traffic and Safety for a California Seat Belt Compliance Campaign Mini-Grant, Click It or Ticket, and

WHEREAS, the program is for a 3-week period and allows for overtime seat belt enforcement, and

WHEREAS, the Police Department, in a combined effort with the California Highway Patrol, and California Office of Traffic Safety’s strategy is to focus public information and enforcement on persons who fail to use seat belts during the May 2006 Buckle Up America/Operation, and

WHEREAS, acceptance of this grant enhances Healthy and Safe Strategic Action Plan, H.1.B.8., which calls for obtaining public service grants, and

WHEREAS, the total mini-grant project will be $64,996 with no local match required of the City,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the mini-grant in the amount of $64,996 from the California Office of Traffic and Safety a California Seat Belt Compliance Campaign Mini-Grant, Click It or Ticket for overtime seat belt enforcement.
BE IT FURTHER RESOLVED that the City Manager, or his authorized designee, is hereby authorized to execute the necessary documents.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of April 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 2006-205

A RESOLUTION AMENDING THE FISCAL YEAR 2005/06 BUDGET TO APPROPRIATE $64,996 FOR REVENUE AND EXPENSE FROM THE CALIFORNIA OFFICE OF TRAFFIC SAFETY FOR THE CALIFORNIA SEAT BELT COMPLIANCE CAMPAIGN MINI-GRANT, CLICK IT OR TICKET, FOR OVERTIME SEAT BELT ENFORCEMENT

WHEREAS, the City of Modesto Police Department was awarded funding in the sum of $64,996 from the California Office of Traffic Safety for the California Seat Belt Compliance Campaign Mini-grant, Click It or Ticket, and
WHEREAS, the federal award funds were made available for overtime seat belt enforcement, and
WHEREAS, the Police Department wishes to enforce seat belt compliance, and
WHEREAS, the total grant project will be $64,996, with no local match required of the City, and
WHEREAS, the Council of the City of Modesto authorized the City Manager, or his designee, to accept the California Seat Belt Compliance Campaign, Click It or Ticket, mini-grant funding,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto, that the 2005/06 Operating Budget is hereby amended as follows:

Appropriate:
To: 0410-190-2904-0130       $64,996       Overtime

Revenue:
To: 0410-190-2904-3490       $64,996       Click It or Ticket Mini-Grant

BE IT FURTHER RESOLVED that the Finance Director, or her authorized
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 4th day of April 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
A RESOLUTION APPROVING SENIOR POLICE MANAGEMENT (LIEUTENANTS AND ABOVE) TO ATTEND HOMELAND SECURITY MASTER OF ARTS DEGREE PROGRAM ON CITY OF MODESTO TIME

WHEREAS, The Naval Postgraduate School (NPS) is offering a Master of Arts Degree in Homeland Security, and

WHEREAS, the Homeland Security graduate program is sponsored by the Department of Homeland Security (DHS) Office for Domestic Preparedness (ODP), and

WHEREAS, this fully accredited program provides leaders with the knowledge and skills to develop strategies, plans and programs to prevent terrorist attacks within the United States and reduce America's vulnerability to terrorism, and

WHEREAS, the degree program requires 18 months of continuous enrollment and coursework and a thesis, and

WHEREAS, each quarter requires only two weeks in residence at the NPS campus, located in Monterey, California and the remainder of the coursework is completed via distance learning, and

WHEREAS, the Modesto Police Department feels the experience and training gained in this program would benefit the City of Modesto and the Police Department in our Homeland Security capabilities, and

WHEREAS, the Police Department will send senior police management (Lieutenants and above) to attend this course on City of Modesto time, and

WHEREAS, DHS/ODP will pay all tuition, books, travel and lodging during each two week in residence session at NPS, and

WHEREAS, there is no fiscal impact to the City of Modesto, and
WHEREAS, all applicants accepted into the program must serve in a Homeland Security capacity for at least two years following graduation (this may be the applicant’s current position, or one accepted after participating in the program, so long as it is related to Homeland Security), and

WHEREAS, the Safety and Communities Committee unanimously supported this action at its meeting of March 6, 2006,

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby approves senior police management employees (Lieutenants and above) to attend Homeland Security Master of Arts Degree Program on City of Modesto time.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the necessary documents 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 4th day of April 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. 2006-207

A RESOLUTION APPROVING AN AGREEMENT WITH STANISLAUS COUNTY OFFICE OF EDUCATION IN THE AMOUNT OF $25,000 TO PROVIDE A JUNIOR CADET PROGRAM AT CAPISTRANO ELEMENTARY SCHOOL, MUNCY ELEMENTARY SCHOOL AND C.F. BROWN ELEMENTARY SCHOOL, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, Stanislaus County Office of Education, in partnership with the Modesto Police Department, would like to provide a Junior Cadet Program to 5th and 6th graders at Capistrano Elementary School, Muncy Elementary School and C.F. Brown Elementary School, and

WHEREAS, the Modesto Police Department has developed a Junior Cadet Program to educate our youth about law enforcement and the possibilities and responsibilities associated with a law enforcement career, and

WHEREAS, the City shall be compensated $25,000 for the services of Modesto Police Officers to provide the Junior Cadet Program, and

WHEREAS, there is no fiscal impact to the City of Modesto, and

WHEREAS, the term of this agreement is February 28, 2006 to December 31, 2006, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the agreement with Stanislaus County Office of Education in the amount of $25,000 to provide a Junior Cadet Program to Capistrano Elementary School, Muncy Elementary School, and C.F. Brown Elementary School.

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 4th day of April 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
RICHARD RUDNANSKY, Interim City Attorney
A RESOLUTION AMENDING THE 2005/2006 OPERATING BUDGET TO RECOGNIZE REVENUE AND APPROPRIATE FUNDS FOR OVERTIME POLICE OFFICERS AND PROGRAM COSTS

WHEREAS, Stanislaus County Office of Education, in partnership with the Modesto Police Department, would like to provide a Junior Cadet Program to 5th and 6th graders at Capistrano Elementary School, Muncy Elementary School and C.F. Brown Elementary School, and

WHEREAS, the Modesto Police Department has developed a Junior Cadet Program to educate our youth about law enforcement and the possibilities and responsibilities associated with a law enforcement career, and

WHEREAS, the City shall be compensated $25,000 for the services of Junior Cadet Program Officers, and

WHEREAS, there is no fiscal impact to the City of Modesto, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 2005/2006 Operating Budget is hereby amended as follows:

Appropriate:

To: 0100-190-1941-0130 $25,000 Officers' Overtime Hour Cost

Revenue:

To: 0100-190-1941-3733 $25,000 School Contribution/Junior Cadet Program

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 4th day of April 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. 2006-209

A RESOLUTION APPROVING AN AGREEMENT WITH STANISLAUS COUNTY OFFICE OF EDUCATION IN THE AMOUNT OF $13,750 FOR THE PROVISION OF CLERICAL, SALARIES AND ASSOCIATED COSTS BEYOND WHAT THE CURRENT CONTRACT INCLUDES FOR THE GANG AWARENESS AND PREVENTION PROGRAM (GAPP) / WAKE-UP PROGRAM AT CHRYSLER ELEMENTARY SCHOOL, PRESCOTT JUNIOR HIGH SCHOOL AND SCHOOLS WITHIN STANISLAUS COUNTY, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, Stanislaus County Office of Education has entered into an agreement with the City of Modesto which allows Modesto Police Officers to provide, supervise and facilitate the Gang Awareness and Prevention Program (GAPP)/WAKE-UP Program, at Chrysler Elementary, Prescott Junior High School and schools within Stanislaus County, and

WHEREAS, the Modesto Police Department has developed a juvenile education, prevention and intervention program called “GAPP” to work with juveniles developing or exhibiting behaviors associated with gang or violence/hate, and

WHEREAS, juveniles developing or exhibiting incorrigible behavior can be referred to the WAKE-UP Program, and

WHEREAS, the Modesto Police Department can provide specially trained, uniformed police officers to provide prevention and intervention programs, and

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

WHEREAS, clerical support is needed to assist with this program, and wasn’t included in the original agreement, and
WHEREAS, the term of this agreement is January 1, 2006, to June 30, 2006, and
WHEREAS, the City shall be compensated $13,750 for the services of clerical, salaries, and associated costs beyond what the current contract specifies, and
WHEREAS, there is no fiscal impact to the City of Modesto,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the agreement with Stanislaus County Office of Education in the amount of $13,750 for the provision of clerical, salaries and associated costs beyond what the current contract includes for Police Department staff involved with the GAPP and WAKE-UP programs.

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 4th day of April 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. 2006-210

A RESOLUTION AMENDING THE 2005/2006 OPERATING BUDGET TO RECOGNIZE REVENUE AND APPROPRIATE FUNDS FOR THE GANG AWARENESS AND PREVENTION PROGRAM (GAPP) WAKE-UP PROGRAM

WHEREAS, Stanislaus County Office of Education has entered into an agreement with the City of Modesto which allows Modesto Police Officers to provide, supervise and facilitate the Gang Awareness and Prevention Program (GAPP)/WAKE-UP Program at Chrysler Elementary School, Prescott Junior High School and schools within within Stanislaus County, and

WHEREAS, the Modesto Police Department has developed a juvenile education, prevention and intervention program called “GAPP” to work with juveniles developing or exhibiting behaviors associated with gang or violence/hate, and

WHEREAS, juveniles developing or exhibiting incorrigible behavior can be referred to the WAKE-UP Program, and

WHEREAS, the Modesto Police Department can provide specially trained, uniformed police officers to provide prevention and intervention programs, and

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

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

WHEREAS, the City shall be compensated $13,750 for the services of clerical, salaries and associated costs beyond what the current contract includes for the Gang Awareness Prevention Program (GAPP) / WAKE-UP Program, and

WHEREAS, there is no fiscal impact to the City of Modesto,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 2005/2006 Operating Budget is hereby amended as follows:

Appropriate:

To: 0100-190-1921-0130 $13,750 Officers' Overtime Hours Cost

Revenue:

From: 0100-190-1921-3730 $13,750 School District Contribution

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 4th day of April 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. 2006-211

A RESOLUTION AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO APPLY TO THE STANISLAUS COUNCIL OF GOVERNMENTS FOR FEDERAL CONGESTION MITIGATION AND AIR QUALITY (CMAQ) FUNDS FOR VARIOUS PROJECTS RELATING TO THE REDUCTION OF AIR POLLUTION AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE NECESSARY DOCUMENTS TO OBTAIN SAID FUNDING

WHEREAS, on February 8, 2006, the Stanislaus Council of Governments (StanCOG) Policy Board approved guidelines to allocate Congestion Mitigation and Air Quality (CMAQ) program funds to eligible proposers for the Federal Fiscal Year 2007/08 and 2008/09, and

WHEREAS, on February 13, 2006, StanCOG staff distributed a call for CMAQ project nominations to local jurisdictions, further stipulating that $13,097,360 of CMAQ funding was available for distribution among local agencies County-wide, and

WHEREAS, pursuant to StanCOG guidelines for distribution to local governments in Stanislaus County, including an estimate of funds available to each, the City of Modesto anticipates $2,587,345 in funds for eligible projects of its own choosing, and can also compete for as much as $6.28 million available for projects that do the most to reduce air pollution in the county, and

WHEREAS, City staff has identified 16 projects for funding which will contribute to the attainment of national ambient air quality standards, and

WHEREAS, the Economic Development Committee reviewed said projects generally at its meeting on March 13, 2006, and recommended approval of the projects for CMAQ funding, and
WHEREAS, CMAQ grants require an 11.47% local match of funds, and

WHEREAS, the match required for many of the projects may be funded out of Local Gas Tax Funds, Local Transportation Funds, or Transit Fare Box Revenues, and

WHEREAS, applications for each project are required to be submitted to the Stanislaus Council of Governments by April 10, 2006, and

WHEREAS, the Stanislaus Council of Governments will make a recommendation to the StanCOG Policy Board for project funding,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the City Manager, or his designee, to apply to the Stanislaus Council of Governments for Federal Congestion Mitigation and Air Quality (CMAQ) funds to be used for various projects set forth in the attached Exhibit “A”, recommended by City staff which will reduce air pollution.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute all applications and documents necessary to obtain said funding.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of April 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: Rebecca Ridenour

JEAN MORRIS, City Clerk

APPROVED AS TO FORM:

By: Richard R. Rudnansky, Interim City Attorney
### Proposed 2007/08 & 2008/09 CMAQ Projects

<table>
<thead>
<tr>
<th>Category</th>
<th>General Improvements</th>
<th>Total Cost</th>
<th>CMAQ</th>
<th>City Match</th>
</tr>
</thead>
<tbody>
<tr>
<td>Right-turn Lane - N/B McHenry to Orangeburg</td>
<td>$550,000</td>
<td>$486,915</td>
<td>$63,085</td>
<td></td>
</tr>
<tr>
<td>Right-turn Lanes - Dale to Snyder, Oakdale/Sylvan, &amp; Sylvan/Coffee, Sylvan/Boyco</td>
<td>$975,000</td>
<td>$863,168</td>
<td>$111,833</td>
<td></td>
</tr>
<tr>
<td>Intersection Improvements - Standiford/ Conant Dale/Veneman</td>
<td>$820,000</td>
<td>$725,946</td>
<td>$94,054</td>
<td></td>
</tr>
<tr>
<td>Right-turn Lane EB Standiford to Sisk</td>
<td>$1,170,000</td>
<td>$1,035,801</td>
<td>$134,199</td>
<td></td>
</tr>
<tr>
<td>Standiford/SR99 SB Off-ramp add Second LTL</td>
<td>$550,000</td>
<td>$486,915</td>
<td>$63,085</td>
<td></td>
</tr>
<tr>
<td><strong>Signals</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>New Signals-2008 Claus/Milnes, Claus /Floyd,</td>
<td>$450,000</td>
<td>$398,385</td>
<td>$51,615</td>
<td></td>
</tr>
<tr>
<td>Upgrade Signals 2008</td>
<td>$450,000</td>
<td>$398,385</td>
<td>$51,615</td>
<td></td>
</tr>
<tr>
<td>Upgrade to coded preemption equipment</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>ATMS</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dale Rd CCTV Cameras</td>
<td>$350,000</td>
<td>$309,855</td>
<td>$40,145</td>
<td></td>
</tr>
<tr>
<td>Standiford to Kieman &amp; Upgrade Existing CCTV Cameras/Equipment</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Roundabouts</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Collector Roundabouts</td>
<td>$500,000</td>
<td>$442,650</td>
<td>$57,350</td>
<td></td>
</tr>
<tr>
<td>Yosemite/D Street Roundabout</td>
<td>$1,500,000</td>
<td>$1,327,950</td>
<td>$172,050</td>
<td></td>
</tr>
<tr>
<td><strong>Feasibility Studies</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>McHenry/Briggsmore Interchange</td>
<td>$110,000</td>
<td>$97,383</td>
<td>$12,617</td>
<td></td>
</tr>
<tr>
<td>Carpenter/Briggsmore Interchange</td>
<td>$150,000</td>
<td>$132,795</td>
<td>$17,205</td>
<td></td>
</tr>
<tr>
<td>Standiford/Beckwith Interchange</td>
<td>$100,000</td>
<td>$88,530</td>
<td>$11,470</td>
<td></td>
</tr>
<tr>
<td><strong>Pedestrian/Bicycle Facilities</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bike Overpass - Briggsmore Avenue @ Virginia Corridor</td>
<td>$500,000</td>
<td>$442,650</td>
<td>$57,350</td>
<td></td>
</tr>
<tr>
<td><strong>Transit</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Employee Rideshare</td>
<td>$130,000</td>
<td>$115,089</td>
<td>$14,911</td>
<td></td>
</tr>
<tr>
<td>Purchase Buses</td>
<td>$1,320,000</td>
<td>$1,168,596</td>
<td>$151,404</td>
<td></td>
</tr>
<tr>
<td><strong>Total Project Costs</strong></td>
<td>$9,625,000</td>
<td>$8,521,013</td>
<td>$1,103,988</td>
<td></td>
</tr>
</tbody>
</table>
Exhibit B

Proposed 2007-08 & 2008-09

General Improvements
1. Right-turn Lane - N/B Mc Henry to Orangeburg
2. Right-turn Lanes
   a. Dale to Snyder
   b. Oakdale/Sylvan
   c. Sylvan/Coffee
3. Intersection Improvements
   a. Standiford/Conant
   b. Dale/Veneman
4. Right-Turn Lane EB - Standiford to Sisk
5. Realign Standiford/Beckwith off-ramp

Signals
6. New Signals - 2008
   a. Claus/Milnes
   b. Claus/Floyd
   ATMS
7. Dale Rd CCTV Cameras - Standiford to Kerman & Upgrade Existing CCTV Cameras/Equipment
   Roundabouts
8. Collector Roundabout (Not Shown)
9. Yosemite/D St Roundabout

Feasibility Studies
10. Mc Henry/Briggsmore Interchange
11. Carpenter/Briggsmore Interchange
12. Standiford/Beckwith Interchange
13 Bike Overpass - Briggsmore @ Virginia Corridor

City of Modesto
CMAQ Projects

March 18, 2006
MODESTO CITY COUNCIL
RESOLUTION NO. 2006-212

A RESOLUTION APPROVING AN AGREEMENT WITH ALTERNATE STREET DESIGN, IN AN AMOUNT NOT TO EXCEED $2,800, TO PERFORM DESIGN SERVICES FOR THE CLARATINA AND LITT ROUNDBOUGHT, AND AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, staff is currently in design of the Claratina Avenue Plan Line from McHenry Avenue to the Burlington Northern Santa Fe Railroad tracks, and

WHEREAS, the Plan Line will indicate where future right-of-way will be reserved for the extension of Claratina Avenue, and

WHEREAS, when the Plan Line is nearing completion Council will be asked to review and approve the alignment, and

WHEREAS, during Plan Line design, staff determined that a preliminary layout for a roundabout should be prepared at the Claratina Avenue and Litt Road intersection, and

WHEREAS, a proposal was solicited to design the preliminary layout for the roundabout and Alternate Street Design submitted a proposal in an amount not to exceed $2,800.00, to prepare the preliminary layout of the proposed roundabout, and

WHEREAS, Capital Improvement Services (CIS) staff recommends the consulting firm of Alternate Street Design be awarded a contract to perform the design services as current workload and experience levels do not provide for timely in-house solutions/responses, and
WHEREAS, the Florida firm of Alternate Street Design is deemed the most qualified to provide the requested design services, has excellent knowledge of roundabout design and has demonstrated satisfactory services to the City on past projects, and

WHEREAS, City desires to enter into an Agreement with Alternate Street Design, for a contract in an amount not to exceed $2,800.00 to perform design services for a roundabout at the Claratina Avenue and Litt Road Intersection,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Agreement with Alternate Street Design, in an amount not to exceed $2,800.00, for design services for the Claratina Avenue and Litt Road roundabout project.

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 4th day of April 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. 2006-213

A RESOLUTION APPROVING AN AGREEMENT WITH COLE MANAGEMENT & ENGINEERING, INC., IN THE AMOUNT OF $205,784.00, TO PERFORM CONSTRUCTION MANAGEMENT SERVICES FOR THE CELESTE/ROSE/SCENIC SANITARY SEWER IMPROVEMENTS PROJECT, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT

WHEREAS, on March 7, 2006, City Council awarded a construction contract in the amount of $3,707,105.00 to California Trenchless, Inc., to construct the Celeste/Rose/Scenic Sanitary Sewer Improvements Project, and

WHEREAS, the Celeste/Rose/Scenic Sanitary Sewer Improvements Project is a large specialized project that will require augmentation of the City’s capacity to provide construction management and inspection, and

WHEREAS, in accordance with Administrative Directive 3.1, Capital Improvement Services (CIS) staff mailed a Request for Proposals to four specialized construction management firms and only two submitted proposals, and

WHEREAS, City’s Selection Committee reviewed the proposals submitted and held interviews with both firms, and the firm of Cole Management & Engineering, Inc., was deemed the most qualified to provide construction management services, and

WHEREAS, the firm of Cole Management & Engineering, Inc., has excellent knowledge of pipe reaming and specializes in construction management and inspection, and

WHEREAS, CIS staff recommends the consulting firm of Cole Management & Engineering, Inc., be awarded a contract to perform the construction management services as current workload and experience levels do not provide for timely in-house solutions/responses, and
WHEREAS, City desires to enter into an Agreement with Cole Management & Engineering, Inc., for a contract in an amount not-to-exceed $205,784.00 to perform construction management services for the Celeste/Rose/Scenic Sanitary Sewer Improvements Project, and

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Agreement with Cole Management & Engineering, Inc., in an amount not-to-exceed $205,784.00, for construction management services for the Celeste/Rose/Scenic Sanitary Sewer Improvements Project.

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 4th day of April, 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 R. RUDNANSKY, Interim City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2006-214

A RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE "2006 CAPE SEALS", ACCEPTING THE BID AND APPROVING AN $880,840.64 CONTRACT WITH BOND BLACKTOP, INC., FOR THE PROJECT TITLED, "2006 CAPE SEALS," AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE CONTRACT

WHEREAS, plans and specifications have been prepared for the "2006 Cape Seals" and City staff recommends approval to the City Council, and

WHEREAS, the bids received for "2006 Cape Seals" were opened at 11:00 a.m. on March 14, 2006, and later tabulated by the Public Works Director for the consideration of the Council, and

WHEREAS, the Public Works Director has recommended that the bid of $880,840.64 received from Bond Blacktop, Inc., be accepted as the lowest responsible bid and the contract be awarded to Bond Blacktop, Inc.,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the plans and specifications for the "2006 Cape Seals."

BE IT FURTHER RESOLVED that the Council hereby accepts the bid of $880,840.64, and hereby awards Bond Blacktop, Inc., the contract titled "2006 Cape Seals."

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the contract.
The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 4th day of April 2006, by Councilmember Dunbar, 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, O’Bryant, Olsen, Mayor
Ridenour

NOES: Councilmembers:  None

ABSENT: Councilmembers:  Marsh

ATTEST:  Jean Morris
JEAN MORRIS, City Clerk

APPROVED AS TO FORM:

By  Richard Rudnansky, Interim City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2006-215

A RESOLUTION AUTHORIZING THE TRANSFER OF FUNDS IN THE AMOUNT OF $55,000 FROM ANNUAL R & R PRIMARY SITE (B576) TO REPLACEMENT OF STAIRCASES – PRIMARY TREATMENT PLANT (B462) TO COVER THE COST OF THIS NEW PROJECT

WHEREAS, the Primary Treatment Plant’s Digester #1 was originally built in 1969 and has the original staircase that has low rails on the sides and does not have a landing, and

WHEREAS, California Code of Regulations Title 8, Section 1626 states, “handrails, when used in connection with stairs, shall be not be less than thirty-four (34) inches or more than thirty-eight (38) inches above the tread nosing,” and

WHEREAS, the current staircase handrails are only twenty-seven (27) inches above the tread nosing, creating a safety hazard and do not meet current Cal-OSHA Regulations, and

WHEREAS, due to this safety hazard and the necessity to be Cal-OSHA compliant, a new staircase needs to be installed at this facility, and

WHEREAS, the Influent Screw Pump Pit was built in 1997 and currently has a ladder for entry, causing this to be considered a “confined space” location, and

WHEREAS, Clarifiers #1 and #2 do not have staircases and/or ladders available for use and are also classified as “confined spaces,” and

WHEREAS, California Code of Regulations, Title 8, Section 5158 states, “Confined Space: A space defined by the concurrent existence of the following conditions: a) Existing ventilation is insufficient to remove dangerous air contamination, oxygen enrichment and/or oxygen deficiency which may exist or develop; b) Ready
access or egress for the removal of suddenly disabled employee is difficult due to the location and/or size of the opening,” and

WHEREAS, the Influent Screw Pump Pit and Clarifiers #1 and #2 all qualify as “confined spaces” and require personnel to wear rescue air tanks, gas detectors, and harnesses each time work is necessary within these locations, and

WHEREAS, confined space entry also requires retrieval systems be available, notification to the Fire Department for standby rescue services, and there must also be two people at the top for every one person down in the space, and

WHEREAS, installation of a permanent staircase at the Influent Screw Pump Pit will allow for easier removal of a suddenly disabled employee and the pit will no longer be considered a confined space, and

WHEREAS, purchasing a portable staircase to be moved between Clarifiers #1 and #2 would provide for the easy removal of a suddenly disabled employee and these clarifiers would no longer be considered confined spaces, and

WHEREAS, these three staircases would also improve staff’s ability to work at these facilities; and, by eliminating the “confined space” designation, reduce staff and equipment costs when working at these sites, and

WHEREAS, the estimated cost to complete this new project is $55,000, and

WHEREAS, funds are available in the Annual R & R Primary Site (B576) in the amount of $55,000 and it is necessary to transfer these funds to the new project titled Replacement of Staircases – Primary Treatment Plant (B462) to cover the cost of the project, and
WHEREAS, the Economic Development Committee considered this item at its March 13, 2006 meeting and recommended approval,

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 $55,000 from Annual R & R Primary Site (B576) to Replacement of Staircases – Primary Treatment Plant (B462) to cover the cost of this new project.

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 4th day of April, 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
A Resolution Authorizing the Solicitation of a Request for Proposals to Replace Two Existing Staircases and Add One Additional Staircase at Three Separate Locations at the Primary Treatment Plant

WHEREAS, the Primary Treatment Plant’s Digester #1 was originally built in 1969 and has the original staircase that has low rails on the sides and does not have a landing, and

WHEREAS, California Code of Regulations Title 8, Section 1626 states, “handrails, when used in connection with stairs, shall be not be less than thirty-four (34) inches or more than thirty-eight (38) inches above the tread nosing,” and

WHEREAS, the current staircase handrails are only twenty-seven (27) inches above the tread nosing, creating a safety hazard and do not meet current Cal-OSHA Regulations, and

WHEREAS, due to this safety hazard and the necessity to be Cal-OSHA compliant, a new staircase needs to be installed at this facility, and

WHEREAS, the Influent Screw Pump Pit was built in 1997 and currently has a ladder for entry, causing this to be considered a “confined space” location, and

WHEREAS, Clarifiers #1 and #2 do not have staircases and/or ladders available for use and are also classified as “confined spaces,” and

WHEREAS, California Code of Regulations, Title 8, Section 5158 states, “Confined Space: A space defined by the concurrent existence of the following conditions: a) Existing ventilation is insufficient to remove dangerous air contamination, oxygen enrichment and/or oxygen deficiency which may exist or develop; b) Ready
access or egress for the removal of suddenly disabled employee is difficult due to the location and/or size of the opening,” and

WHEREAS, the Influent Screw Pump Pit and Clarifiers #1 and #2 all qualify as “confined spaces” and require personnel to wear rescue air tanks, gas detectors, and harnesses each time work is necessary within these locations, and

WHEREAS, confined space entry also requires retrieval systems be available, notification to the Fire Department for standby rescue services, and there must also be two people at the top for every one person down in the space, and

WHEREAS, installation of a permanent staircase at the Influent Screw Pump Pit will allow for easier removal of a suddenly disabled employee and the pit will no longer be considered a confined space, and

WHEREAS, purchasing a portable staircase to be moved between Clarifiers #1 and #2 would provide for the easy removal of a suddenly disabled employee and these clarifiers would no longer be considered confined spaces, and

WHEREAS, these three staircases would also improve staff’s ability to work at these facilities; and, by eliminating the “confined space” designation, reduce staff and equipment costs when working at these sites, and

WHEREAS, the Public Works Department desires to solicit a Request for Proposals (RFPs) to replace these three staircases, and

WHEREAS, funds are budgeted in the Replacement of Staircases – Primary Treatment Plant (B462) after transfer of funds to this project from the Annual R & R Primary Site (B576) which has been authorized under a separate resolution, and
WHEREAS, the Economic Development Committee considered this item at its March 13, 2006 meeting and recommended approval,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes solicitation of Request for Proposals (RFPs) for replacement of two staircases and addition of one staircase at three separate locations at the Primary Treatment Plant.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of April, 2006, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember O’Bryan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Keating, Marsh, O’Bryan, 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. 2006-217

A RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE "NEIGHBORHOOD CENTER AT MARSHALL PARK", ACCEPTING THE BID AND APPROVING A $4,580,000 CONTRACT WITH MCFADDEN CONSTRUCTION, INC., FOR THE PROJECT TITLED, "NEIGHBORHOOD CENTER AT MARSHALL PARK," AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE CONTRACT

WHEREAS, plans and specifications have been prepared for the "Neighborhood Center at Marshall Park" and City staff recommends approval to the City Council, and

WHEREAS, the bids received for "Neighborhood Center at Marshall Park" were opened at 11:00 a.m. on March 14, 2006, and later tabulated by the Public Works Director for the consideration of the Council, and

WHEREAS, the Public Works Director has recommended that the bid of $4,580,000.00 received from McFadden Construction, Inc., be accepted as the lowest responsible bid and the contract be awarded to McFadden Construction, Inc.,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the plans and specifications for the "Neighborhood Center at Marshall Park."

BE IT FURTHER RESOLVED that the Council hereby accepts the bid of $4,580,000.00, and hereby awards McFadden Construction, Inc., the contract titled "Neighborhood Center at Marshall Park."

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the contract.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of April 2006, by Councilmember O'Bryant, who moved its adoption, which motion being duly seconded by Councilmember Olsen, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:  

JEAN MORRIS, City Clerk

APPROVED AS TO FORM:

By: RICHARD RUDNANSKY, Interim City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2006-218

A RESOLUTION AMENDING THE FY 05-06 OPERATING AND CAPITAL IMPROVEMENT PROGRAM BUDGET TO DECREASE 0100-800-8000-8003 GENERAL FUND RESERVE BY $500,000 ONE-TIME ALLOCATION, DECREASING 1350-800-8000-8003 PARKS CFF FUND RESERVE BY $35,483, AND INCREASING NEIGHBORHOOD CENTER AT MARSHALL PARK CIP FUND 1300-310-M163 BY $535,483.00

WHEREAS, the Parks, Recreation & Neighborhoods Department, Parks Planning & Development Division has requested amending the Fiscal Year 2005-2006 Capital Improvement Program to fully fund the construction project for the Neighborhood Center at Marshall Park, and

WHEREAS, the appropriation transfer requests are as follows:

- Decrease $500,000 from the General Fund Reserve (0100-800-8000-8003)
- Decrease $35,483 from Parks CFF Fund Reserve (1350-800-8000-8003)
- Increase $535,483 to the Neighborhood Center at Marshall Park Capital Improvement Project (1300-310-M163),

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a reduction of $500,000 from the General Fund Reserve (0100-800-8000-8003), a reduction of $35,483 from Parks CFF Fund Reserve (1350-800-8000-8003), an increase of $535,483 to the Neighborhood Center at Marshall Park Capital Improvement Project (1300-310-M163).
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of April 2006, by Councilmember O'Bryant, who moved its adoption, which motion being duly seconded by Councilmember Olsen, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Morris
JEAN MORRIS, City Clerk

APPROVED AS TO FORM:

By
RICHARD RUDNANSKY, Interim City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2006-219

A RESOLUTION TO APPROVE REQUESTING A PROPOSAL FROM MAZE & ASSOCIATES TO CONDUCT A BROAD-SCOPE AGREED-UPON PROCEDURES ENGAGEMENT IN THE ENTIRE PUBLIC WORKS DEPARTMENT, WITH THE FIRM TO PROVIDE IN ITS REPORT RECOMMENDATIONS FOR FOLLOW-UP AUDITS OR CONSULTANT MANAGEMENT REVIEWS, WHERE WARRANTED, TO COVER FISCAL YEARS 2003, 2004, AND 2005

WHEREAS, on February 28, 2006, the Council received a report from the City Clerk & Auditor's Senior Auditor on certain improper activities in the wastewater operations divisions of the City of Modesto Public Works Department, and

WHEREAS, at its March 7, 2006, meeting, Council, by motion, directed its Audit Committee to propose to Council the type and extent of an engagement by an external audit firm, designed to find possible improper activities in the entire Public Works Department, and

WHEREAS, the Audit Committee agreed at its March 20, 2006, meeting to recommend to Council a broad-scope agreed-upon procedures engagement by an external audit firm, to cover Fiscal Years 2003, 2004, and 2005, with the firm to recommend follow-up audits or management reviews where warranted, and

WHEREAS, as a result of a selection process in 2003, Council selected Maze & Associates (Auditor) as the City's external financial audit firm, and

WHEREAS, Auditor has the qualifications for the proposed work, and is familiar with the City's financial systems,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves requesting a proposal from Maze & Associates to conduct a
broad-scope agreed-upon procedures engagement in the entire Public Works Department, with the firm to provide recommendations to Council for follow-up audits or consultant management reviews where warranted, covering Fiscal Years 2003, 2004, and 2005., and

BE IT FURTHER RESOLVED that the City Clerk & Auditor, is hereby authorized to request a proposal from Auditor for these services.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of April 2006, by Councilmember Marsh, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Morris
JEAN MORRIS, City Clerk

APPROVED AS TO FORM:  

By: Richard Rudnansky, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2006-220

A RESOLUTION ACCEPTING THE DOMESTIC WASTEWATER NEAR-TERM CAPACITY STUDY PREPARED BY CAROLLO ENGINEERS AND ADOPTING THE ASSUMPTIONS AND RECOMMENDATIONS INCLUDED THEREIN AND DIRECTING STAFF TO PURSUE AND DEVELOP A FINANCING PROGRAM TO FUND THE PROPOSED IMPROVEMENTS IDENTIFIED IN THE DOMESTIC WASTEWATER NEAR-TERM CAPACITY STUDY

WHEREAS, the City of Modesto awarded Carollo Engineers of Walnut Creek, California the contract to update the City’s 1995 Wastewater Master Plan (WWMP), which is typically updated every five to seven years, and

WHEREAS, during the process of developing the WWMP, it was determined that due to the changing regulatory climate and the limitations of current treated wastewater disposal into the San Joaquin River, it is anticipated that the City will need to ultimately plan for the implementation of advanced wastewater treatment facilities, and

WHEREAS, the controlling factor for disposal of treated wastewater is based on the availability of river flow during the allowable discharge period, which is based on both climatic conditions and management of upstream facilities, and

WHEREAS, the City needs to plan for additional disposal capacity, to limit the risks of exceeding current Waste Discharge Requirements (WDRs) and the National Pollution Discharge Elimination System (NPDES) permit during a low river flow year, and

WHEREAS, due to the lengthy process for permitting, design and construction of a full-scale advanced treatment facility, effluent disposal improvements that could be reasonably implemented within a short timeframe will be required to allow continued
development, and Carollo was directed to develop a Domestic Wastewater Near-Term Capacity Study (Capacity Study) to analyze short-term solutions for effluent disposal, while continuing to develop and implement long-term solutions, and

WHEREAS, a five-year time period was defined as the timeframe, within which the City could continue to allow new connections with the initial phase projects, and

WHEREAS, the Capacity Study considered six (6) alternatives for the five-year time period, and

WHEREAS, discussions with Regional Water Quality Control Board staff on March 10, 2006, indicated that requirements for additional river discharge would become more stringent and that permitting for year round discharge of tertiary treatment could be incorporated into the permit update process that is currently underway, and

WHEREAS, based on the outcome of the Regional Board meeting, Alternative 2, Tertiary Treatment Year Round with Dissolved Air Flotation (DAF), is considered the most feasible, and least costly alternative, which provides an acceptable level of risk, and

WHEREAS, this item was reviewed at the Finance Committee meeting on March 16, 2006, and a favorable recommendation was made to forward the Capacity Study, including its assumptions and recommendations, and to direct staff to pursue and develop a financing program to fund the proposed improvements identified in the Capacity Study to the Council for acceptance,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the Domestic Wastewater Near-Term Capacity Study and adopts its assumptions and recommendations.
BE IT FURTHER RESOLVED that the Council hereby directs City staff to pursue development of a financing program to fund the proposed improvements identified in the Domestic Wastewater Near-Term Capacity Study.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of April 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. 2006-221

A RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN AND DELIVER A LETTER TO THE REGIONAL WATER QUALITY CONTROL BOARD INDICATING THE CITY'S INTENTIONS OF IMPLEMENTING THE RECOMMENDATIONS IN THE DOMESTIC WASTEWATER NEAR-TERM CAPACITY STUDY, REQUESTING THE INCLUSION OF YEAR ROUND TERTIARY RIVER DISCHARGE IN THE CITY'S UPDATED NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT AND INDICATING THE CITY'S INTENT TO UPGRADE ITS CURRENT SECONDARY TREATED DISCHARGE TO TERTIARY TREATED DISCHARGE IN THE FUTURE

WHEREAS, the City of Modesto is currently updating its 1995 Wastewater Master Plan (WWMP), and

WHEREAS, during the process of developing the WWMP it was determined that due to the changing regulatory climate and the limitations of current treated wastewater disposal into the San Joaquin River, it is anticipated that the City will need to ultimately plan for the implementation of advanced wastewater treatment facilities, and

WHEREAS, due to the lengthy process for permitting, design, and construction of a full-scale advanced treatment facility, a Domestic Wastewater Near-Term Capacity Study (Capacity Study) to analyze short-term solutions for effluent disposal, was developed to allow continued sewer connections, and

WHEREAS, the Capacity Study considered six (6) alternatives that could be developed within a short time period, and

WHEREAS, the City is currently undergoing its regularly scheduled 5 year National Pollution Discharge Elimination System (NPDES) permit update with the Regional Water Quality Control Board (RWQCB), and
WHEREAS, staff met with RWQCB staff on March 10, 2006, to discuss the permit issues and challenges for each of the alternatives being considered, and

WHEREAS, from these discussions it was evident that Alternative 2-year round tertiary treatment with Dissolved Air Flotation (DAF) would be much easier to permit in a short time frame than other alternatives, and

WHEREAS, the Regional Board staff also recommended that City present a letter to the RWQCB indicating the City’s intent to transition to tertiary treatment with the current update process, which could save a considerable amount of time when compared to requesting an amendment to the permit at a later date, and

WHEREAS, the Finance Committee reviewed the draft letter and Final Draft of the Domestic Wastewater Near-Term Capacity Study at its March 27, 2006, meeting and recommended approval to the full Council,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the City Manager to sign and deliver a letter to the Regional Water Quality Control Board indicating the City’s intentions of implementing the recommendations in the Domestic Wastewater Near-Term Capacity Study, requesting the inclusion of year round tertiary river discharge in the City’s updated NPDES permit and indicating the City’s intent to upgrade its current secondary treated discharge to tertiary treated discharge in the future.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of April 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
WHEREAS, on June 8, 2004, Council approved Resolution 2004-301 implementing the automated red light enforcement program and approved a five-year base contract with Redflex Traffic Systems, and

WHEREAS, Redflex was contracted to install red light photo enforcement equipment and maintenance services at up to ten (10) City designated intersections under a phased implementation plan, and

WHEREAS, costs for the red light photo enforcement equipment and maintenance service is $6,030 per month for each camera location by Redflex, and

WHEREAS, the City of Modesto currently has four intersections with one camera system for a total expense of $24,120 per month, and

WHEREAS, there is a cost neutrality clause in the City’s contract with Redflex that if City revenues collected do not pay for the expenses during the first twelve-month period, then Redflex will reimburse any excess expense, and

WHEREAS, based on current information it is anticipated that the revenue will meet or exceed the expenses during the initial twelve-month period, and

WHEREAS, the Traffic Safety Reserve has monies available for this service,

WHEREAS, at its February 6, 2006, meeting the Safety and Communities Committee recommended consideration of this item by the full Council.
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that the 2005/06 Operating Budget is hereby amended as indicated below:

Appropriate:

From: 0600-800-8000-8003 $285,000 Traffic Safety Reserve
To: 0600-190-1906-0235 $285,000 Traffic Safety/Professional Services

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

The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 4th day of April 2006, by Councilmember Dunbar, who
moved its adoption, which motion being duly seconded by Councilmember O’Bryant,
was upon roll call carried and the resolution adopted by the following vote:

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

APPROVED AS TO FORM:

By: RICHARD RUDNANSKY, Interim City Attorney

ATTEST: JEAN MORRIS, City Clerk
WHEREAS, Modesto City-County Airport is a commercial service airport with current air service operated by SkyWest Airlines as United Express, flying between Modesto and San Francisco, and

WHEREAS, SkyWest Airlines has agreed to provide a minimum of three (3) scheduled flights between Modesto (MOD) and Los Angeles (LAX) airports daily, and

WHEREAS, direct air service between Modesto and Los Angeles is expected to serve approximately 1.2 million local travelers, and

WHEREAS, a determined level of revenue is guaranteed to the airline for LAX service, and

WHEREAS, an airline revenue agreement is pursuant to grant funds requirements provided by the U.S. Department of Transportation “Small Communities Air Service Grant” (DOT Grant) that was awarded to the Modesto City-County Airport in August 2005, and

WHEREAS, the Airport Enterprise Fund will guarantee a determined level of revenue ($2,043 per segment) to Sky West Airlines, and

WHEREAS, if revenues fall short of the determined level, City will reimburse Sky West in an amount not to exceed $550,000, and
WHEREAS, $495,000 of this $550,000 will be provided by DOT Grant funds, and

WHEREAS, $55,000 will be pledged by City in non-Airport funds coming from the business community or the City’s General Fund, and

WHEREAS, the Airport Enterprise Fund will also forego approximately $45,000 in additional landing fees for the year reflected in the following table as fee waivers “in-kind”:

<table>
<thead>
<tr>
<th>Funding Action Plan for New Air Service to Los Angeles</th>
</tr>
</thead>
<tbody>
<tr>
<td>Description</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>Marketing:</td>
</tr>
<tr>
<td>Advertising/promotion</td>
</tr>
<tr>
<td>Airline start-up support:</td>
</tr>
<tr>
<td>Fee Waiver</td>
</tr>
<tr>
<td>Staffing:</td>
</tr>
<tr>
<td>Total</td>
</tr>
</tbody>
</table>

and,

WHEREAS, the Airport Advisory Committee met on February 15, 2006 and endorsed the addition of LAX flights by SkyWest Airlines, and

WHEREAS, the Economic Development Committee met on March 13, 2006 and supported the Airline Revenue Grant Agreement proposed for SkyWest Airlines to provide new air service between MOD and LAX,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Airline Revenue Guarantee Agreement between the City of Modesto and SkyWest Airlines to provide new air service between Modesto and Los Angeles.

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 4th day of April 2006, by Councilmember Hawn, 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: Councilmember: Dunbar, Hawn, Keating, Marsh, O'Bryant, Olsen, Mayor Ridenour

NOES: Councilmember: None

ABSENT: Councilmember: None

ATTEST: Jean Morris

JEAN MORRIS, City Clerk

APPROVED AS TO FORM:

By: Richard Rudnansky, Interim City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2006–224

A RESOLUTION AMENDING THE FISCAL YEAR 05-06 OPERATING BUDGET AND APPROVING A BUDGET ADJUSTMENT IN THE AMOUNT OF $55,000 FROM GENERAL FUND RESERVES (0100-800-8000-8003) TO THE PUBLIC WORKS OPERATING BUDGET (0100-430-4306-0264) TO CREATE A SET ASIDE ACCOUNT FOR THE NON-AIRPORT PORTION OF AIRLINE REVENUE GUARANTEES

WHEREAS, Modesto City-County Airport is a commercial service airport with current air service operated by SkyWest Airlines as United Express, flying between Modesto and San Francisco, and

WHEREAS, SkyWest Airlines has agreed to provide a minimum of three (3) scheduled flights between Modesto (MOD) and Los Angeles (LAX) airports daily, and

WHEREAS, direct air service between Modesto and Los Angeles is expected to serve approximately 1.2 million local travelers, and

WHEREAS, a determined level of revenue is guaranteed to the airline for LAX service, and

WHEREAS, an airline revenue agreement is pursuant to grant funds requirements provided by the U.S. Department of Transportation “Small Communities Air Service Grant” (DOT Grant) that was awarded to the Modesto City-County Airport in August 2005, and

WHEREAS, the Airport Enterprise Fund will guarantee a determined level of revenue ($2,043 per segment) to Sky West Airlines, and

WHEREAS, if revenues fall short of the determined level, City will reimburse Sky West in an amount not to exceed $550,000, and
WHEREAS, $495,000 of this $550,000 will be provided by DOT Grant funds, and

WHEREAS, $55,000 will be pledged by City in non-Airport funds coming from the business community or the City’s General Fund, and

WHEREAS, staff proposes allocating $55,000 from General Fund Reserves (0100-800-8000-8003) to the Public Works Department’s Operating Budget (0100-430-4306-0264) to create a set aside account for the non-Airport portion of the airline revenue guarantee, and

WHEREAS, said $55,000 will be returned to General Fund Reserve should the funding not be needed for the airline revenue guarantee,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Fiscal Year 05-06 Operating Budget and approving a budget adjustment of $55,000 from General Fund Reserves (0100-800-8000-8003) to the Public Works Department’s Operating Fund (0100-430-4306-0264) to create a set aside account for the non-Airport portion of the airline revenue guarantee.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of April 2006, by Councilmember Hawn, 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: Councilmember: Dunbar, Hawn, Keating, Marsh, O'Bryant, Olsen, Mayor Ridenour

NOES: Councilmember: None

ABSENT: Councilmember: None

ATTEST: Jean Morris
JEAN MORRIS, City Clerk

APPROVED AS TO FORM:

By: RICHARD RUDNANSKY, Interim City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2006-225

A RESOLUTION AMENDING RESOLUTION NO. 2006-087 TO AUTHORIZE THE SEVEN CHARTER REVIEW COMMITTEE MEMBERS APPOINTED BY THE CITY COUNCIL TO APPOINT FOUR ADDITIONAL COMMITTEE MEMBERS FROM THE COMMUNITY AND APPROVING THE FOUR APPOINTEEES SELECTED BY THE CURRENT MEMBERS OF THE CHARTER REVIEW COMMITTEE

WHEREAS, on February 14, 2006 the City Council adopted resolution no. 2006-087 authorizing the seven Council-appointed Charter Review Committee members to select and appoint three additional members from the community to serve on the Charter Review Committee, and

WHEREAS, on March 29, 2006 and March 30, 2006 the seven Council appointed Charter Review Committee members interviewed 24 members of the community to fill the final three vacancies on the committee, and

WHEREAS, after much deliberation and discussion the seven-committee members narrowed the field of applicants to the four individuals they felt were the most qualified to sit on the committee, and

WHEREAS, the seven Committee members would like to appoint the following four individuals to serve on the Charter Review Committee:

1) Solange G. Altman
2) Carolina Bernal
3) Jeremiah Williams
4) Sandra Lucas

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Modesto hereby approves the appointments of Solange G. Altman, Carolina Bernal,
Jeremiah Williams, and Sandra Lucas to serve as voting members of the Charter Review Committee.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of April 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. 2006-226

A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF TAMMY SPILLERS FROM THE CITIZENS HOUSING & COMMUNITY DEVELOPMENT COMMITTEE AND AS ALTERNATE TO THE HOUSING REHABILITATION LOAN COMMITTEE

WHEREAS, TAMMY SPILLERS was appointed a member of the Citizens Housing & Community Development Committee on July 10, 2003, and

WHEREAS, TAMMY SPILLERS was selected by the Citizens Housing & Community Development Committee as its alternate to the Housing Rehabilitation and Loan Committee, and

WHEREAS, TAMMY SPILLERS has tendered her resignation from the Citizens Housing & Community Development Committee and the Housing Rehabilitation Loan Committee, and

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

NOW, THEREFORE, BE IT RESOLVED that the resignation of TAMMY SPILLERS from the Citizens Housing & Community Development Committee and the Housing Rehabilitation Loan Committee be, and hereby is accepted with regret.

BE IT FURTHER RESOLVED that the Council of the City of Modesto, on its own behalf, and on behalf of the citizens of this City, hereby expresses its sincere appreciation to TAMMY SPILLERS for her outstanding service to the community.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of April 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. 2006-227

A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF
DAVID LOPEZ FROM THE COMMUNITY QUALITIES FORUM

WHEREAS, DAVID LOPEZ was appointed a member of the Community Qualities Forum on October 17, 2000, and

WHEREAS, DAVID LOPEZ has tendered his resignation from the Community Qualities Forum, and

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

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

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of April 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

04/25/06/CMO/E Pucett/Item 8