A RESOLUTION AUTHORIZING THE AWARD OF BID AND CONTRACT FOR THE PURCHASE OF MARTIX, HIGH DENSITY, STACKING CHAIRS FOR THE MODESTO CENTRE PLAZA, TO OFFICE DEPOT, MODESTO, CA, FOR A TOTAL ESTIMATED COST OF $146,792.37

WHEREAS, the current inventory of event chairs at the Modesto Centre Plaza is approximately eighteen (18) years old, purchased when the Centre Plaza opened in 1988, and

WHEREAS, the chair inventory has deteriorated to the point where there often are not enough acceptable chairs to set the rooms for larger events, and

WHEREAS, the current condition and supply of chairs is not acceptable to meet the many needs of the clients hosted at the Modesto Centre Plaza, and

WHEREAS, the purchase of 2,000 new chairs will completely replace the current inventory, and

WHEREAS, on April 25, 2006, Council approved Resolution No. 2006-238 authorizing the Purchasing Manager to issue formal Request for Bids (RFB) for the purchase of matrix, high density, stacking chairs for the Modesto Centre Plaza, and

WHEREAS, on July 27, 2006, the Purchasing Division issued Request for Bid No. 0506-30 for the purchase of matrix, high density, stacking chairs to fifteen (15) prospective bidders, six (6) of which were local companies, posted the bid on the City’s web site, and formally advertised as required by law, and

WHEREAS, on August 29, 2006, RFB’s were formally opened in the City Clerk’s office, and
WHEREAS, of the fifteen (15) prospective bidders, six (6) companies chose to respond, and

WHEREAS, two (2) companies submitted bids that were disqualified, and

WHEREAS, RFB specification 3.1 Required Documents, states:

- Failure to furnish two (2) "inked" signed original bid documents will result in disqualification.
- Failure to furnish the required documents may result in disqualification, and

WHEREAS, one (1) company submitted only one (1) original bid document, and

WHEREAS, their bid submittal was disqualified and received no consideration, and

WHEREAS, one (1) company did not provide product brochures or specification sheets, which were requested in one of the required documents, it could not be determined if the chair bid met the required minimum specifications outlined in the RFB, and

WHEREAS, on September 18, 2006, an email was sent to the company requesting detailed manufacturer specifications that would support the required minimum technical specifications, to ensure quality, safety and durability, and

WHEREAS, the company did not respond to the email, or furnish the requested information, and

WHEREAS, their bid was disqualified and received no further consideration, and

WHEREAS, two (2) companies submitted bids, which required further information to determine if the chairs bid met the required minimum specifications, and
WHEREAS, on September 18, 2006, an email was sent to each company requesting detailed manufacturer specifications that would support the required minimum technical specifications, to ensure quality, safety and durability, and

WHEREAS, both companies furnished the requested information, and

WHEREAS, this data was forwarded to the Modesto Centre Plaza, Technical Liaisons for evaluation and summary. As a result of this review, the Technical Liaison Team expressed two primary concerns:

- Chairs are not made for Centre’s existing racks. Rack shown is much larger than current racking and would affect storage options. Additionally, based on the dimensions given, chairs would protrude four (4) inches over front of rack. Weight could shift to back of rack and affect how many chairs could fit on a rack.

- The dimensions of the chairs are larger than current chair, which will affect set capacity levels, and

WHEREAS, one (1) company submitted a bid that included bid pricing for two (2) alternate chairs, and further information was needed to determine if the chairs bid met the required minimum specifications, and

WHEREAS, on September 18, 2006, an email was sent to the company requesting detailed manufacturer specifications that would support the required minimum technical specifications, to ensure quality, safety and durability, and

WHEREAS, the company furnished the requested information, and

WHEREAS, this data was forwarded to the Modesto Centre Plaza, Technical Liaisons for evaluation and summary. This review indicated:

- Chairs do not have a cross bar. RFB specifications require a cross bar for additional support.

- The dimensions of the chairs are larger than current chair, which will affect set capacity levels.
WHEREAS, based on providing a responsive and responsible bid, City staff recommends the award of bid and contract for the purchase of matrix, high density, stacking chairs for the Modesto Centre Plaza to, Office Depot, Modesto, CA, for a total estimated cost of $146,792.37, and

WHEREAS, Modesto Municipal Code Section, 8-3.203, generally requires all purchases, which meet or exceed $50,000 for material, equipment or contractual services to be formally bid. The award of bid and contract for the purchase of matrix, high density, stacking chairs for the Modesto Centre Plaza, conforms to code requirements,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the award of bid and contract for the purchase of matrix, high density, stacking chairs for the Modesto Centre Plaza, to Office Depot, Modesto, CA, for a total estimated cost of $146,792.37.

BE IT FURTHER RESOLVED that the Purchasing Manager is hereby authorized to issue a purchase order for the purchase of matrix, high density, stacking chairs for the Modesto Centre Plaza, to Office Depot, Modesto, CA, for a total estimated cost of $146,792.37.
The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 14th day of November, 2006, by Councilmember Hawn,
who moved its adoption, which motion being duly seconded by Councilmember Dunbar,
was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: ____________________________
         Jean Morris, City Clerk

APPROVED AS TO FORM:

By: ________________________________
    Susana Alcala Wood, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2006-712

A RESOLUTION APPROVING AN AMENDMENT TO THE
GUIDELINES FOR THE CITY OF MODESTO'S FIRST TIME
HOMEBUYER MORTGAGE ASSISTANCE PROGRAM
FUNDED THROUGH STATE CALHOME FUNDS TO
INCREASE THE MAXIMUM LOAN AMOUNT TO $100,000.

WHEREAS, on October 3, 2003, the City of Modesto submitted an application to the
Department of Housing and Community Development for a $300,000 grant to fund the City’s
First Time Homebuyer Mortgage Assistance Program, and

WHEREAS, staff was notified on February 4, 2004, that the City of Modesto was
awarded $300,000 in funding from the State of California’s Department of Housing and
Community Development, CalHome Program for First-Time Homebuyers Mortgage Assistance,
and

WHEREAS, CalHome requires that each City develop the guidelines for this program
based on CalHome regulations, and

WHEREAS, the current guidelines have a maximum loan amount of $60,000, and

WHEREAS, staff is recommending that the maximum loan amount be increased to
$100,000 only for the CalHome First Time Homebuyers Mortgage Assistance Program so the
funds can be utilized, and

WHEREAS, said guidelines are attached hereto as Exhibit “A” and made a part hereof,

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto
hereby approves an amendment to the guidelines for the City of Modesto’s First Time
Homebuyer Mortgage Assistance Program funded through CalHome Funds to increase the
maximum loan amount from $60,000 to $100,000 for the First Time Homebuyer Mortgage Assistance Program.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th of November, 2006, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: Jean Morris

JHAN MORRIS, City Clerk

APPROVED AS TO FORM:

By: Susana Alcala Wood, City Attorney
City of Modesto  
FTHB Mortgage Assistance Program  
CalHome Program Requirements

1. Overview

The State of California CalHome Program is one of the funding sources providing assistance to eligible Borrowers under this program.

2. Eligible Use of Funds

CalHome funds may be used only for the provision of permanent secondary mortgage assistance to first time homebuyers in connection with a new primary mortgage loan for the purchase of a principal place of residence.

3. Ineligible Uses of Funds

CalHome funds may not be used for:
   a. Refinancing existing loans
   b. Recurring loan costs
   c. Payoff of all or any portion of a Borrower's consumer debt, liens or judgments.

4. Eligible Households

1. To be eligible to receive CalHome funds an applicant household must:
   a. Be a very-low or low-income household (80% or less of the area median income as adjusted for household size) when considering the gross income of all household residents 18 years old or older.
      i) Gross income is as defined in the California Code of Regulations (CCR), Title 25, Section 6914 and is: “The anticipated income of a person or family for the 12 month period following the date of determination of income.”
      ii) Lender shall determine annual gross income in accordance with the CCR, Title 25, Section 6914.
   b. Include as Borrowers all persons who will be or are on title to the property.
   c. Be a first time homebuyer and occupy the property as principal place of residence.
2. The following individual or individuals may not be excluded from consideration as a first time homebuyer under this section:
   a. A displaced homemaker, who, while a homemaker, owned a house with his or her spouse or resided in a house owned by the spouse. A displaced
homemaker is an adult who has not, within the preceding two years, worked on a full-time basis as a member of the labor force for a consecutive twelve-month period and who has been unemployed or underemployed, experienced difficulty in obtaining or upgrading employment and worked primarily without remuneration to care for his or her home and family;

b. A single parent who, while married owned a house with his or her spouse or resided in a house owned by the spouse. A single parent is an individual who is unmarried or legally separated from a spouse and has one or more minor children for whom the individual has custody or joint custody or is pregnant; or

c. An individual or individuals who owns or owned, as a principal place of residence during the three-year period before the purchase of a house with CalHome assistance, a dwelling unit whose structure is:

1) Not permanently affixed to a permanent foundation in accordance with state or local regulations; or

2) Not in compliance with state, local or model building codes and cannot be brought into compliance with such codes for less than the cost of constructing a permanent structure.

5. Eligible Property

1. Property purchased with CalHome funds must be located within the City of Modesto limits.

2. Property type must be:

   a. Single-family housing
   
   b. Condominium unit; or
   
   c. Manufactured housing unit on a permanent foundation

3. Eligible property must have the following occupancy characteristics:

   a. Currently occupied by the owner-seller of the property; or
   
   b. Vacant for six months prior to acceptance of a contract to purchase.

6. Maximum Sales Price / Value Limit

The maximum sales price/value limit for a home purchased with the assistance of CalHome funds shall be the current FHA mortgage limit of a single family home in
The FHA mortgage limits are provided by the U.S. Department of Housing and Urban Development.

7. **Maximum Loan Amount**

The maximum loan amount for households earning up to 80% of the area median income (AMI) is up to $100,000.

Applicant will receive the minimum amount of financing to ensure affordable monthly housing costs as defined by the first mortgage lender (the first lender shall make the largest first loan possible given the ability of the Borrower to repay in order to keep the CalHome loan amount at the minimum amount necessary).

8. **Loan Documentation**

All CalHome loans shall be evidenced by the following documents and provisions:

a. Promissory Note, payable to the City of Modesto in the principal amount of the loan and stating the terms and rate interest.

b. Deed of Trust, securing the Note; this deed shall be recorded and shall secure the City's financial interest in the property.

c. Other appropriate security instruments naming the City of Modesto as beneficiary.

9. **Loan Terms**

1. **Security:**

   a. CalHome loans shall be secured by the property or leasehold interest, as applicable.

   b. The lien securing repayment of the CalHome loan shall be subject only to liens, encumbrances and other matters of record reviewed and approved by the City.

2. **Deferment:**

   a. Principal and interest payments shall be deferred for the term of the CalHome loan.

3. **Repayment:**

   a. The CalHome loan principal and interest shall be repayable upon:

      1. Sale, transfer or lease of the property.
2. Borrower's failure to occupy the property as Borrower's principal place of residence (Borrower must certify occupancy annually).

3. The CalHome maturity date.

4. The maturity date, or full repayment, of any debt secures by lien on the property that is senior to the CalHome deed of trust.

5. Upon default of the CalHome promissory note, deed of trust or other recorded documents pertaining to the property.

b. If it is determined by the City that repayment of the loan at maturity will cause a hardship to the Borrower, the City may, at its option, elect to:

1. Approve a one-time additional deferral period of up to 30 years in length at 0% interest, or;

2. Convert the debt (principal and accrued interest) to a 15 year amortized loan at 0% additional interest.

4. Assumability:

   a. CalHome loans are not assumable.

5. Transfer of Interest Exceptions:

   a. The following transfers of interest shall not require repayment of the CalHome loan:

      1. Transfer to a surviving joint tenant by devise, descent or operation of the law on the death of a joint tenant.

      2. A transfer, in which the transferee is a person who occupies or will occupy the property, which is:

         i. A transfer in which the spouse becomes an owner of the property.

         ii. A transfer resulting from a decree of dissolution of marriage, legal separation agreement, or from incidental property settlement agreement by which the spouse becomes an owner of the property.

      3. A transfer into an inter vivos trust in which the Borrower is and remains the beneficiary and occupant of the property.
6. Loan Term:
   a. The CalHome loan term shall be for 30 years, except upon the occurrence of any condition requiring repayment as noted above.
   b. When the United States Department of Agriculture, Rural Housing Services (ESDA-RHS) 502 mortgage loans are in first lien position; the CalHome loan term shall be the term of the 502 mortgage (30 to 38 years).

7. Prepayment:
   a. A Borrower may prepay the CalHome loan, in part or whole, at any time without penalty.

8. Interest:
   a. Interest shall accrue at a 3% simple fixed interest per annum.

9. Restrictions on Sale:
   a. In any loan transaction in which the CalHome loan is the only secondary financing, the Borrower cannot be restricted from selling the home at its fair market value at any time.
   b. Subsequent buyers, unless assisted with a CalHome loan under this Program, do not need to meet the Eligible Household requirements set forth above.
   c. Resale restrictions required by other secondary financing sources used in conjunction with a CalHome loan shall prevail.

10. Loan-to-Value Limits
    The loan-to-value (LTV) ratio for a CalHome loan, when combined with all other indebtedness to be secured by the property, shall not exceed 100% of the sales price plus a maximum of up to 5% of the sales price to cover closing cost.

11. Downpayment
    No downpayment shall be required of an eligible Borrower in order to receive CalHome funds under this program.

12. First Mortgage Underwriting Requirements
    1. In addition to the first mortgage requirements of the primary lender, the following
First Time Homebuyer Program requirements shall also apply to first mortgages issued in conjunction with a FTH second mortgage:

a. Borrower shall obtain the maximum first mortgage loan with a term and interest rate from a mortgage lender consistent with affordable housing costs as defined in herein.

b. First mortgage loans shall not include provisions for negative amortization, principal increases, balloon payments, deferred interest or temporary buy-downs.

c. Front End Ratio:

1. For purposes of qualifying a Borrower for a first mortgage, and as defined herein means the ratio between monthly household income and monthly housing cost, including first mortgage principal, interest, taxes and insurance.

2. This ratio shall not exceed that set by the primary mortgage lender.

d. Back End Ratio:

1. For purposes of qualifying a Borrower for a first mortgage, and as defined herein means the ratio between monthly household income and monthly housing cost plus all payments on long-term installment debt.

2. This ratio shall not exceed that set by the primary mortgage lender.

e. Credit Worthiness Criteria:

1. Borrower’s FICO (Fair Isaac Company) score must be 610 or higher.

13. Appraisal

1. Prior to close of escrow an appraisal which meets must the following criteria must be obtained:

a. The appraisal shall be prepared by a state-licensed residential property appraiser.

b. The appraisal shall use the sales of comparable properties approach to determine value.

c. Maximum appraised home values at time of purchase shall not exceed the
purchase price/value limits established by the State of California Department of Housing and Community Development as published in the latest Notice of Funding Availability (NOFA).

14. Cash-Out of Escrow

Borrowers may not receive cash out of escrow from any loan package containing secondary CalHome financing.

15. Title Insurance

The Borrower shall provide the City of Modesto with an ALTA title insurance policy in the amount of the CalHome loan at Borrower’s expense.

16. Hazard Insurance

1. Borrower must provide and maintain fire and flood (if the property is located in a 100 year floodplain) insurance in an amount at least equal to the replacement value of the improvements.

2. The City of Modesto must be named as an additional loss payee on the policy.

17. Financing Subordinate to CalHome Loans

1. Fees and/or charges for subordinate loan financing shall be consistent with reasonable loan origination fees for first mortgage financing as determine by the City based on industry standards.

2. Balloon payments due before the maturity date of the CalHome loan are not permitted.

3. All subordinate financing shall defer principal and interest payments for the term of the CalHome loan.

18. Homebuyer Education

1. Borrowers will be required to complete a Homebuyers Education Workshop from an Agency approved by the City.

2. The purpose of the workshop is to provide the Borrower with a step-by-step guidance to successfully purchase and maintain ownership of a home. The workshop also helps homebuyers by educating them how to obtain mortgage financing they can afford. Subjects covered in the workshop include shopping for a home, shopping for a mortgage loan, home maintenance, budgeting, and ongoing financial cost.
3. The workshop provider upon the Borrower's completion of the class will issue a Certificate of Completion. The Borrower must present the Certificate to the City for inclusion in the loan application.

4. City may, at its option, request a grant from the Department of Housing and Community Development for providing homebuyer education to Borrowers up to the maximum amount as published in the latest NOFA. The sum of loans made under this Program plus grants received may not exceed the total funding made available to City under the terms of the Standard Agreement between the City and the Department.

19. Re-Use Account

1. All repayments of CalHome loan principal and interest shall be received by the City and deposited into a separate reuse account maintained by City's Finance Department.

2. The reuse account shall be an interest bearing account into which all earned interest shall be deposited.

3. All funds deposited into the reuse account shall be the property of the City.

4. A line item for reuse of CalHome funds will be inserted into City's fiscal year budget allocating and approving use of funds for CalHome eligible activities.

5. All reuse funds shall be expended in accordance with the CalHome Regulations and the Standard Agreement between the City and the Department. Reuse funds may be used for:

   a. Additional CalHome mortgage assistance.

   b. Costs of homebuyer education for each first time homebuyer receiving mortgage assistance from the reuse account.

   c. CalHome loan processing activity delivery fees as applicable.

   d. Cost (up to 5% of the reuse funds deposited) of loan servicing contracted by City.

6. City shall allow the Department full access to the reuse account records for the purpose of determining City's compliance with CalHome Regulations.
MODESTO CITY COUNCIL
RESOLUTION NO. 2006-713

A RESOLUTION AUTHORIZING STAFF TO SUBMIT A REQUEST FOR A SIX-MONTH EXTENSION TO THE CALHOME AGREEMENT WITH THE STATE OF CALIFORNIA'S DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE LETTER REQUESTING A SIX-MONTH EXTENSION AND SUBSEQUENT DOCUMENTS.

WHEREAS, on October 3, 2003, the City of Modesto submitted an application to the Department of Housing and Community Development for a $300,000 grant to fund the City’s First Time Homebuyer Mortgage Assistance Program, and

WHEREAS, staff was notified on February 4, 2004, that the City of Modesto was awarded $300,000 in funding from the State of California’s Department of Housing and Community Development, CalHome Program for First-Time Homebuyers Mortgage Assistance, and

WHEREAS, due to high home sale prices in recent years and low-income household earning, it has been difficult for these household to qualify for mortgage loans and for down payment assistance, and

WHEREAS, the agreement for CalHome funding between the City and the State Department of Housing and Community Development indicates that all funds remaining unexpended as of February 5, 2007, shall be disencumbered, and

WHEREAS, the City desires a six (6) month extension of said CalHome funding to enable low income households to utilize CalHome for construction of their new homes, and

WHEREAS, staff has been working with affordable housing developers to ensure that certain affordable units can be built during this six (6) month extension,
NOW THEREFORE BE IT RESOLVED, that the Council of the City of Modesto hereby authorizes staff to submit a request for a six-month extension to the CalHome Agreement with the State of California Department of Housing and Community Development.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the letter of extension and subsequent documents.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th of November, 2006, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: KEAN MORRIS, City Clerk

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
A RESOLUTION REVISING THE POSITION CLASSIFICATION PLAN FOR THE CITY OF MODESTO.

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

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

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

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

SECTION I. CLASSIFICATIONS AMENDED. The Position Classification Plan of the City of Modesto is hereby amended to revise the job specifications for the classifications of Chief Building Official and Deputy Chief Building Official. The job specifications for these classifications are being amended to update the essential functions and to change the certification requirements. The job specifications for the classifications of Chief Building Official, as shown in the attached Exhibit “A,” and Deputy Chief Building Official, as shown in the attached Exhibit “B”, which are hereby made a part of this resolution by reference, are hereby approved and made part of the Position Classification Plan of the City of Modesto.
SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after November 14, 2006.

The foregoing resolution was introduced in a special meeting of the Council of the City of Modesto held on the 14th day of November, 2006, by Councilmember Dunbar, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Morris

JEAN MORRIS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By

SUSANA ALCALA WOOD, City Attorney
DEFINITION

To manage, direct and coordinate the activities of the Building Inspection and Development Services Division; to coordinate building inspection activities with other divisions and departments as well as outside architects and engineers; and to provide highly complex staff assistance to the Community and Economic Engineering Services Development Director.

SUPERVISION RECEIVED AND EXERCISED

Receives general direction from the Engineering Services Community and Economic Development Director.

Exercises direct supervision over professional, technical and clerical staff.

EXAMPLE OF DUTIES - Duties may include, but are not limited to, the following:

ESSENTIAL AND MARGINAL FUNCTION STATEMENTS

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

Essential Functions:

Recommend goals and objectives; assist in the development of policies and procedures.

Manage, direct and organize building inspection activities; coordinate building inspection activities with other City departments, architects, engineers, contractors, developers and the general public.

Supervise and review engineering design calculations for buildings, water lines, sewer lines, and other engineering structures.

Direct, oversee and participate in the development of the division work plan; assign work activities, projects and programs; monitor workflow; review and evaluate work products, methods and procedures.

Exhibit "A"
Essential Functions: (Continued)

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

Participate in recommending the appointment of personnel; provide or coordinate staff training and technical assistance including emergency disaster; work with employees to correct deficiencies; implement discipline procedures; recommend employee terminations.

Supervise and participate in building inspection activities; evaluate the need for and develop procedures, methods and schedules; assist in recommending and drafting building and related code changes.

Provide technical and administrative assistance to the Engineering Services, Community and Economic Development Director; develop, prepare and present reports, surveys and other administrative activities; resolve work problems and interpret administrative policies to subordinates, other departments, consultants, contractors and the public.

Participate in professional and public meetings as required including job site and construction meetings.

Oversee and direct Division office operations; maintain appropriate records and files; coordinate workflow.

Assist in preparing presentations for City Council; assist in preparing ordinances and ordinance amendments related to building activities; enforce a wide variety of regulations and laws pertaining to public health and safety.

Provide information to the public; respond to the most difficult inquiries and complaints by the public; and perform the most difficult building inspections.

Determine the need for building evaluations according to State historical code; determine appropriate alternatives.

Perform a variety of activities in support of the Building Inspection and Development Services Division including preparing Requests for Proposals and contracts, directing health and safety investigations, reviewing engineering calculations and documents, and directing the issuance of building permits and citations.
Essential Functions: (Continued)

Prepare reports, memoranda, letters and other forms of correspondence.

Act as Secretary to the Board of Building Appeals.

Act as Secretary to the Disabled Access Appeals Board.

Engineering Services: Act as Community and Economic Development Director as required.

Marginal Functions:

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Organizational and management practices as applied to the analysis and evaluation of programs, policies and operational needs.

Budgeting procedures and techniques.

Principles and practices of organization, administration and personnel management.

Principles and practices of the Uniform California Building, Plumbing, Mechanical, and Electrical Codes.

Principles of civil engineering, structural design, engineering mathematics and building inspection.

Research methods and sources of information related to building code enforcement.

Pertinent Federal, State and local laws, codes and regulations.

Principles of supervision, training and performance evaluation.

Modern office procedures, methods and computer equipment.

Exhibit "A"
Ability to:

Administer a variety of building inspection and related code enforcement activities.

Analyze problems, identify alternative solutions, and project consequences of proposed actions and implement recommendations in support of goals.

Analyze, interpret and check complex plans, specifications, calculations, laws, and regulations.

Assist in preparing ordinances and code amendments.

Interpret building policies and procedures to the general public.

Interpret and apply City policies, procedures, rules and regulations as well as the Uniform California Building Codes.

Gain cooperation through discussion and persuasion.

Supervise, train and evaluate assigned personnel.

Prepare and administer a budget.

Communicate clearly and concisely, both orally and in writing.

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

Experience and Training Guidelines

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

Experience:

Five years of increasingly responsible experience in the inspection of public, commercial, industrial and residential buildings including two years of administrative and supervisory experience.
Training:

Equivalent to a Bachelor's degree from an accredited college or university with major course work in civil engineering or a related field.

License or Certificate

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

Possession of certification as Building Official issued by the International Code Council (ICC) and/or Council of American Building Officials (CABO) is required.

Possession of a Certificate of Registration as a Professional Civil Engineer or Architect in the State of California is highly desirable.

WORKING CONDITIONS

Environmental Conditions

Office environment; occasionally travel from site to site.

Physical Conditions

Essential and other marginal functions may require maintaining physical conditions necessary for sitting for prolonged periods of time; traveling to and from sites.
CITY OF MODESTO
No. 3111

DEPUTY CHIEF BUILDING OFFICIAL

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

DEFINITION

To assist in managing, directing and coordinating the activities of the Building Inspection and Development Services Division; to perform professional engineering work in review and approval of commercial and residential building plans; and to provide staff assistance to the Chief Building Official.

SUPERVISION RECEIVED AND EXERCISED

Receives direction from the Chief Building Official.

Exercises direct supervision over subordinate professional and technical staff.

EXAMPLES OF DUTIES - Duties may include, but are not limited to, the following:

ESSENTIAL AND MARGINAL FUNCTION STATEMENTS

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

Essential Functions:

Assists in the managing, directing and organizing of the building Inspection activities; assist in coordinating building inspection activities with other City departments, contractors and developers.

Assign work activities, projects and programs; monitor workflow; review and evaluate work products, methods and procedures.

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

Participate in recommending the appointment of personnel; provide or coordinate staff training; work with employees to correct deficiencies; implement discipline procedures; recommend employee terminations.

Exhibit "B"
Essential Functions: (Continued)

Assist in overseeing building inspection activities; evaluate the need and develop procedures, methods and schedules.

Provide technical and administrative assistance to the Chief Building Official; develop, prepare and present reports, surveys and other administrative activities.

Assist in recommending and drafting building and related code changes.

Participate in professional and public meetings as required including job site and construction meetings.

Assist in preparing presentations for City Council; assist in preparing ordinances and ordinance amendments related to building activities.

Respond to the most difficult inquiries and complaints by the public; and perform the most difficult building inspections.

Prepare reports, memoranda, letters and other forms of correspondence.

Marginal Functions:

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Organizational and management practices as applied to the analysis and evaluation of programs, policies and operational needs.

Principles and practices of organization, administration and personnel management.

Principles and practices of the Uniform California Building, Plumbing, Mechanical, and Electrical Codes.

Principles of structural design, engineering mathematics and building inspection.

Research methods and sources of information related to building code enforcement.

Exhibit "B"
Knowledge of: (Continued)

Pertinent Federal, State and local laws, codes and regulations.

Principles of supervision, training and performance evaluation.

Modern office procedures, methods and computer equipment.

Ability to:

Administer a variety of building inspection and related code enforcement activities.

Analyze problems, identify alternative solutions, project consequences of proposed actions and implement recommendations in support of goals.

Analyze, interpret and check complex plans, specifications, calculations, laws, and regulations.

Assist in preparing ordinances and code amendments.

Interpret building policies and procedures to the general public.

Interpret and apply City policies, procedures, rules and regulations as well as the Uniform California Building Codes.

Gain cooperation through discussion and persuasion.

Supervise, train and evaluate assigned personnel.

Communicate clearly and concisely, both orally and in writing.

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

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 "B"
Experience:

Four years of increasingly responsible experience in the inspection of public, commercial, industrial and residential buildings including one year of administrative and supervisory experience.

Training:

Equivalent to a Bachelor's degree from an accredited college or university with major course work in civil engineering or a related field.

License or Certificate

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

Possession of certification as Building Official issued by the International Code Council (ICC) and/or Council of American Building Officials (CABO) is required.

Possession of a Certificate of Registration as a Professional Civil Engineer or Architect in the State of California is highly desirable.

WORKING CONDITIONS

Environmental Conditions

Office environment; occasionally travel from site to site.

Physical Conditions

Essential and other marginal functions may require maintaining physical conditions necessary for sitting for prolonged periods of time; traveling to and from sites, attending meetings and using a personal computer and other office equipment.

Exhibit "B"
MODESTO CITY COUNCIL
RESOLUTION NO. 2006-715

A RESOLUTION APPROVING AN AGREEMENT WITH HSQ TECHNOLOGY IN THE AMOUNT OF $33,360 ANNUALLY FOR THREE YEARS WITH TWO ONE-YEAR EXTENSION OPTIONS, AT THE SOLE DISCRETION OF THE CITY, FOR MAINTENANCE SERVICES ON THE SUPERVISORY CONTROL AND DATA ACQUISITION (SCADA) SYSTEM, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT.

WHEREAS, HSQ Technology supplied the City of Modesto SCADA System in 1993, and

WHEREAS, the Water Quality Control (WQC), Wastewater and Stormwater Collections, and Water Divisions use the SCADA System to transmit and receive operational data from over 200 remotely located facilities such as wells, storage tanks, and lift stations, and

WHEREAS, the SCADA System provides for the remote control of equipment as well as real-time monitoring to ensure a rapid response to any abnormal system condition, and

WHEREAS, the SCADA system stores data and shares it with other City systems to allow for historical report creation to satisfy regulatory requirements, and

WHEREAS, HSQ Technology is the manufacturer and sole distributor for the SCADA telemetry system and is uniquely qualified to provide maintenance and 24 hours/7 days a week software and hardware support for the system, and

WHEREAS, HSQ Technology has been under contract through purchase orders for the past 13 years to provide SCADA System maintenance, and

WHEREAS, this agreement locks in the cost for maintenance for three years and allows negotiation of increases, as necessary, for two additional years, and

WHEREAS, funds are budgeted in 6100-480-5013-0235-50 in the amount of $16,680 and in 6210-480-5213-0235-50 in the amount of $16,680,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an agreement with HSQ Technology in the amount of $33,360 annually for three years with two one-year extension options, at the sole discretion of the City, for maintenance services on the Supervisory Control and Data Acquisition (SCADA) System.

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 14th day of November, 2006, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
JEAN MORRIS, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2006-716

A RESOLUTION ACCEPTING THE WORK BY ACME CONSTRUCTION CO., INC., FOR THE PROJECT TITLED “MADDOX YOUTH CENTER RENOVATION AND EXPANSION” AS COMPLETE, AUTHORIZING THE CITY CLERK TO FILE A NOTICE OF COMPLETION, AND AUTHORIZING PAYMENT OF AMOUNTS DUE TOTALING $2,617,297.94

WHEREAS, a report has been filed by the Public Works Director that the project titled “Maddux Youth Center Renovation and Expansion” has been completed by Acme Construction Co., Inc., in accordance with the contract agreement dated March 8, 2005,

NOW, THEREFORE, BE IT RESOLVED by the Council that the “Maddux Youth Center Renovation and Expansion” is hereby accepted as complete from said contractor, Acme Construction Co., Inc., that the Notice of Completion be filed with the Recorder of Stanislaus County and that payment of amounts due totaling $2,617,297.94, as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of November, 2006, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Morris, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Susana ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2006-717

A RESOLUTION ACCEPTING THE WORK BY BOND BLACKTOP, INC., FOR THE PROJECT TITLED “2006 CAPE SEALS” AS COMPLETE, AUTHORIZING THE CITY CLERK TO FILE A NOTICE OF COMPLETION, AND AUTHORIZING PAYMENT OF AMOUNTS DUE TOTALING $920,194.33.

WHEREAS, a report has been filed by the Public Works Director that the project titled “2006 Cape Seals” has been completed by Bond Blacktop, Inc., in accordance with the contract agreement dated April 4, 2006,

NOW, THEREFORE, BE IT RESOLVED by the Council that the “2006 Cape Seals” project is hereby accepted as complete from said contractor, Bond Blacktop, Inc., that the Notice of Completion be filed with the Recorder of Stanislaus County and that payment of amounts due totaling $920,194.33, as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of November, 2006, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Marsh

ATTEST: Jean Morris, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Susana Alcala Wood, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2006-718

A RESOLUTION ACCEPTING THE SAFE ROUTES TO SCHOOL GRANT-
CONANT AVENUE IMPROVEMENTS IN THE AMOUNT OF $384,300, AND
AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE, TO EXECUTE
NECESSARY GRANT DOCUMENTS

WHEREAS, in June 2005, the Public Works Department-Traffic Engineering
staff submitted a grant application for the Safe Routes to School Grant program to install
sidewalk, curb and gutter, and street lighting on the west side of Conant Avenue between
Rumble Road and Eicher Avenue, near Chrysler Elementary School, and

WHEREAS, in June 2006, Traffic Engineering staff received notification that this
project was successful in receiving Safe Routes to School grant funding in the amount of
$384,300, and

WHEREAS, this project will enhance safety for students as they travel to and
from Chrysler Elementary School and for citizens that use the facilities of Chrysler
Elementary School throughout the year,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that it hereby accepts the Safe Routes to School Grant-Conant Avenue Improvements in
the amount of $384,300.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby
authorized to execute the necessary grant documents for said projects.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of November, 2006, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest:  

JEAN MORRIS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:  

SUSANA ALCALA WOOD, City Attorney
A RESOLUTION AMENDING THE FISCAL YEAR 2006/2007 CAPITAL IMPROVEMENT PROGRAM (CIP) BUDGET ACCEPTING THE GRANT FUNDS AND ESTABLISHING A NEW CIP PROJECT TITLED, “SAFE ROUTES TO SCHOOL GRANT-CONANT AVENUE IMPROVEMENTS,” ACCOUNT NUMBER MY-2370-160-E955, IN THE AMOUNT OF $427,000

WHEREAS, in June, 2006, Traffic Engineering staff received notification that this project was successful in receiving Safe Routes to School grant funding in the amount of $384,300, and

WHEREAS, acceptance of said grant funds requires a 10% match by City, and

WHEREAS, it is necessary to transfer $42,700 from Account Number 2370-160-E602, “Traffic Control Devices New-Gas Tax,” primary account to make up the City’s 10% match requirement for this project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Fiscal Year 2006/2007 Capital Improvement Program (CIP) budget accepting the Safe Routes to School grant in the amount of $384,300, with a $42,700 City match from Gas Tax Reserves, for a total of $427,000, and creating a new Capital Improvement Program titled, “Safe Routes to School Grant- Conant Avenue Improvements,” Account Number MY-2370-160-E955.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of November, 2006, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: ____________________________
JEAN MORRIS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _________________________________
SUSANA ALCALA WOOD, City Attorney
A RESOLUTION APPROVING AN AGREEMENT WITH DOKKEN ENGINEERING TO PROVIDE CONSULTANT SERVICES FOR THE "STATE ROUTE 99/PELANDALE AVENUE INTERCHANGE MODIFICATION PROJECT APPROVAL & ENVIRONMENTAL DOCUMENT (PA&ED)" , AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT.

WHEREAS, the City Council in their Fiscal Year 2005-06 Capital Improvement Program approved $1.3M and approved staff’s request to explore City taking the lead on the State Route 99/Pelandale Avenue Interchange Improvements – Project Approval and Environmental Document (PA&ED) and issue a Request for Proposals for said work, and

WHEREAS, following Council’s approval, staff made a formal request to StanCOG to apply for lead agency status on the Pelandale Interchange Improvement Project, and

WHEREAS, the City of Modesto sent a Request For Proposals (RFP) to 52 qualified consultants, and the project was advertised in the newspaper and the City’s contracts available website, and

WHEREAS, proposals were received from Dokken Engineering and URS Corporation, and

WHEREAS, a selection panel appointed by the Public Works Director reviewed the proposals, and

WHEREAS, the selection panel recommended Dokken Engineering be awarded the agreement for consulting services for the State Route 99/Pelandale Avenue Interchange Modification Project Approval & Environmental Document (PA&ED), based upon the firm’s proposal, qualifications and experience,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the agreement between the City of Modesto and Dokken Engineering for consulting services for the State Route 99/Pelandale Avenue Interchange Modification Project Approval & Environmental Document (PA&ED) in a total amount not to exceed $873,792.00.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of November, 2006, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: 
JEAN MORRIS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2006-721

A RESOLUTION AUTHORIZING THE ISSUANCE OF NOT TO EXCEED $25,000,000 PRINCIPAL AMOUNT OF WASTEWATER REVENUE BONDS, SERIES 2006A, AUTHORIZING AND DIRECTING EXECUTION OF A THIRD SUPPLEMENTAL WASTEWATER REVENUE BOND INDENTURE PURSUANT TO WHICH SUCH BONDS ARE ISSUED, APPROVING A CONTRACT OF PURCHASE, AN OFFICIAL STATEMENT AND A CONTINUING DISCLOSURE AGREEMENT, APPOINTING A SUCCESSOR TRUSTEE, AND AUTHORIZING OTHER OFFICIAL ACTION

WHEREAS, pursuant to the City of Modesto Wastewater Treatment Facilities Revenue Bond Law, constituting Chapter 6 of Title VIII of the Modesto Municipal Code (the “Bond Law”), the City of Modesto, California (the “City”) is authorized to issue revenue bonds to provide funds to finance the costs of the acquisition, construction, improvement, furnishing, equipping, remodeling, repair, reconstruction or rehabilitation of the wastewater treatment facilities of the City (the “Enterprise”); and

WHEREAS, the City has entered into a Wastewater Revenue Bond Indenture, dated as of April 1, 2005 (the “Indenture”), between the City and U.S. Bank National Association, as trustee, providing for the issuance of wastewater revenue bonds thereunder; and

WHEREAS, in accordance with the Bond Law and the Indenture, as supplemented by a First Supplemental Indenture, dated as of April 1, 2005 (the “First Supplemental Indenture”), and Second Supplemental Indenture, dated as of April 1, 2005 (the “Second Supplemental Indenture”), the City has previously issued its City of Modesto, California Wastewater Revenue Refunding Bonds, Series 2005A, and its City of Modesto, California Wastewater Revenue Refunding Bonds, Series 2005B (collectively, the “Series 2005 Bonds”); and

WHEREAS, the Indenture provides that the City may issue bonds from time to time as authorized by a supplemental indenture; and
WHEREAS, the City has determined that it is desirable and necessary and in the best interest of the City to authorize an additional series of wastewater revenue bonds in order to provide moneys to finance certain improvements to the Enterprise, in a principal amount not to exceed $25 million, to be designated “City of Modesto, California Wastewater Revenue Bonds, Series 2006A” (the “Series 2006A Bonds”), to be issued pursuant to the Third Supplemental Wastewater Revenue Bond Indenture described below; and

WHEREAS, the Series 2006A Bonds are proposed to be sold to Citigroup Global Markets Inc. (the “Underwriter”) pursuant to the Contract of Purchase described below; and

WHEREAS, it is proposed that the City execute and deliver the Continuing Disclosure Agreement described below to allow the Underwriter to comply with Rule 15c2-12(b)(5) of the Securities Exchange Act of 1934; and

WHEREAS, it is proposed that the City deem final for purposes of Rule 15c(2)-12 of the Securities Exchange Act of 1934, as amended, a Preliminary Official Statement (the “Preliminary Official Statement”) and to execute and deliver a final Official Statement (the “Official Statement”) and to authorize the distribution of the Preliminary Official Statement to prospective purchasers of the Series 2006A Bonds and the Official Statement to the actual purchasers of the Series 2006A Bonds; and

WHEREAS, all acts, conditions and things required by the Bond Law and the laws of the State of California to exist, to have happened and to have been performed precedent to and in connection with the sale and issuance of the Series 2006A Bonds authorized hereby do exist, have happened and have been performed in regular and due time, form and manner required by law, and the City is now duly authorized and empowered, pursuant to each and every requirement of law, to
issue and sell the Series 2006A Bonds for the purpose, in the manner and upon the terms herein provided;

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


SECTION 2. Appointment of Successor Trustee. The City hereby appoints The Bank of New York Trust Company, N.A., as successor trustee under the Indenture. Upon acceptance by The Bank of New York Trust Company, N.A., of such appointment as trustee, all of the trusts, powers, discretions, immunities and privileges as trustee shall be transferred from U.S. Bank National Association, as predecessor trustee, and vested with The Bank of New York Trust Company, N.A., as successor trustee. Each of the Mayor, the City Manager or the Finance Director, or any duly authorized designee of any of such officers, acting singly, is hereby authorized and directed, for and in the name and on behalf of the City, to execute and deliver any and all documents necessary to effect the foregoing succession and the transfer and vesting of such trusts, powers, discretions, immunities and privileges.

SECTION 3. Third Supplemental Indenture; Form of Series 2006A Bonds. The City Council hereby approves the form of the Third Supplemental Wastewater Revenue Bond Indenture (the “Third Supplement”) by and between the City and The Bank of New York Trust Company, N.A. as successor trustee (hereinafter, the “Trustee”) in substantially the form on file with the City Clerk together with any additions thereto or changes therein deemed necessary or
advisable by Sidley Austin LLP, Bond Counsel, or by the authorized officer executing the same, whose execution thereof shall be conclusive evidence of such officer’s approval of any such additions and changes. The Mayor, the City Manager or the Finance Director, or any duly authorized designee of any of such officers, acting singly, is authorized and directed to execute, and the City Clerk is authorized and directed to attest to said signature on, the final forms of the Third Supplement for and in the name and on behalf of the City. The City hereby authorizes the delivery and performance of the Third Supplement.

The proposed form of the Series 2006A Bonds as set forth in the Third Supplement is hereby approved and the Mayor, the City Manager or the Finance Director, or any duly authorized designee of any of such officers, acting singly, is hereby authorized and directed to execute for and on behalf of the City the Series 2006A Bonds in substantially such forms and the City Clerk is authorized and directed to attest to said signature on the Series 2006A Bonds, and the Trustee is hereby authorized and directed to authenticate and deliver the Series 2006A Bonds to the Underwriter in accordance with the Third Supplement and the Contract of Purchase approved herein, subject to the limitations set forth in Section 3 hereof.

SECTION 4. Contract of Purchase. The City Council hereby approves the form of the Contract of Purchase (the “Contract of Purchase”) by and between the City and the Underwriter in substantially the form on file with the City Clerk together with any additions thereto or changes therein deemed necessary or advisable by Bond Counsel, or by the authorized officer executing the same, whose execution thereof shall be conclusive evidence of such officer’s approval of any such additions and changes; provided, however, that the Underwriter’s discount shall not exceed 0.75% of the principal amount of the Series 2006A Bonds, the true interest cost of the Series 2006A Bonds shall not exceed 6.00% per annum, and the final maturity of the
Series 2006A Bonds shall be not later than November 1, 2038. The Mayor, the City Manager or the Finance Director, acting singly, is authorized and directed to execute the final form of the Contract of Purchase for and in the name and on behalf of the City. The City hereby authorizes the delivery and performance of the Contract of Purchase.

SECTION 5. Continuing Disclosure Agreement. The City Council hereby approves the form of the Continuing Disclosure Agreement (the "Continuing Disclosure Agreement") by and between the City and the Trustee in substantially the form on file with the City Clerk together with any additions thereto or changes therein deemed necessary or advisable by Bond Counsel, or by the authorized officer executing the same, whose execution thereof shall be conclusive evidence of such officer's approval of any such additions and changes. The Mayor, the City Manager or the Finance Director, or any duly authorized designee of any of such officers, acting singly, is authorized and directed to execute the final form of the Continuing Disclosure Agreement for and in the name and on behalf of the City. The City hereby authorizes the delivery and performance of the Continuing Disclosure Agreement.

SECTION 6. Official Statement. The City Council hereby approves the form of preliminary official statement of the City relating to the Series 2006A Bonds (the "Preliminary Official Statement") in substantially the form submitted to this City Council. The Mayor, the City Manager or the Finance Director, or any duly authorized designee of any of such officers, acting singly, is authorized to certify that the Preliminary Official Statement, with such changes therein as the officer so certifying shall approve after consultation with Bond Counsel, is as of its date "deemed final" for purposes of Rule 15c2-12 of the Securities and Exchange Commission. The Mayor, the City Manager or the Finance Director, or any duly authorized designee of any of such officers, acting singly, is authorized and directed to execute for and on behalf of the City a final
official statement, in substantially the form of the Preliminary Official Statement, with such changes therein (and additions thereto to reflect the terms of the sale of the Series 2006A Bonds) as the Mayor, the City Manager or the Finance Director, or any duly authorized designee of any of such officers, acting singly, shall approve after consultation with Bond Counsel, such approval to be evidenced by the execution and delivery thereof. The Underwriter is authorized to distribute copies of the Preliminary Official Statement to persons who may be interested in the purchase of the Series 2006A Bonds, and the Underwriter is directed to deliver copies of any final official statement to all actual purchasers of the Series 2006A Bonds.

SECTION 7. Other Actions. All actions heretofore taken by the officers and agents of the City with respect to the issuance of the Series 2006A Bonds are hereby approved, confirmed and ratified. The Mayor, the City Manager, the Finance Director, the Deputy Director of Finance, the City Clerk, the City Attorney and any and all other officers of the City are hereby authorized and directed, for and in the name and on behalf of the City, to do any and all things and take any and all actions, necessary to effectuate the purposes of this Resolution, including the negotiating and obtaining of a municipal bond insurance policy, debt service reserve surety bond or investment agreement for any funds and accounts held under the Indenture if the Mayor, the City Manager, the Finance Director or the Deputy Director of Finance, upon the advice of Public Financial Management, Inc., Financial Advisor, determine that such policy, bond or agreement will result in debt service savings or will otherwise be financially advantageous to the City, and the execution and delivery of any and all assignments, certificates, requisitions, agreements, notices, consents, instruments of conveyance, warrants and other documents, which they, or any of them, may deem necessary or advisable in order to consummate the lawful issuance, sale and delivery of the Series 2006A Bonds.
The foregoing resolution was introduced at a meeting of the City of Modesto held on the 14th day of November, 2006, by Councilmember Dunbar, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Morris

JEAN MORRIS,
City Clerk

APPROVED AS TO FORM:

By: Susana Alcala Wood,
City Attorney
A RESOLUTION APPROVING TASK ORDER NO. 3 TO THE MASTER PROFESSIONAL SERVICES AGREEMENT FOR CONSULTANT SERVICES WITH HARRIS AND ASSOCIATES FOR THE FORMATION OF A COMMUNITY FACILITIES DISTRICT FOR KIERNAN BUSINESS PARK WEST

WHEREAS, Kaiser Foundation Hospitals ("Applicant") has a legal interest in real property located within a portion of the Kiernan Business Park West Specific Plan Area, shown in Exhibit "A", and is interested in pursuing development of properties in the Specific Plan Area, and

WHEREAS, the City Council is desirous of forming a community facilities district ("CFD") for the Kiernan Business Park West Specific Plan Area ("Project"), and

WHEREAS, on September 26, 2006, the Council of the City of Modesto approved a Master Professional Services Agreement for Consultant Services with Harris and Associates for the preparation of FMPs, IFPs, formation of CFDs, technical studies and related on-call services assigned by City, and

WHEREAS, Harris and Associates ("Consultant") has prepared Task Order No. 3 for the Project ("Task Order"), attached as Exhibit "B", and

WHEREAS, Applicant has advanced a deposit to the City in the amount of sixty-four thousand five hundred dollars ($64,500) to fund Task Order No. 3 and to pay staff and consultant expenses expected to be incurred in connection with the Project, and

WHEREAS, the City will issue Notices to Proceed to the City’s Consultant only for those subtasks for which the Applicant has deposited funds,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that Task Order No. 3, attached as Exhibit "B" hereto, is hereby approved.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of November, 2006, Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Ridenour

APPROVED AS TO FORM:

By

SUSANA ALCALA WOOD, City Attorney
City of Modesto
TASK ORDER NO. 3
for
Harris & Associates'
Master Professional Services Agreement

Kiehn/Kaiser Community Facilities District

This Task Order No. 3 is made and entered into by and between the City of Modesto, a municipal Corporation (hereinafter “CITY”), and Harris & Associates, Inc., California Corporation (hereinafter “CONSULTANT”) and is effective as of ________________.

RECITALS

A. CONSULTANT has entered into a Master Professional Services Agreement, (hereinafter “Agreement”), dated September 29, 2006 (“AGREEMENT”) WITH THE CITY, by which the CONSULTANT has agreed to provide professional engineering and financial engineering services for development projects, which is incorporated herin by reference.

B. At the request of CITY and in compliance with the terms of the AGREEMENT, CONSULTANT has prepared the Task Order No. 3, a copy of which is attached hereto as Exhibit A.

C. City and CONSULTANT desire that CONSULTANT perform the service as identified in the attached Scope of Work.

NOW THEREFORE, THE PARTIES MUTUALLY AGREE AS FOLLOWS:

1. INCORPORATION OF MASTER PROFESSIONAL SERVICES AGREEMENT. This Task Order hereby incorporates by reference all terms and conditions set forth in the Master Professional Services Agreement, unless expressly modified by this Task Order. The AGREEMENT and this Task Order shall, to the fullest extent possible, be read and considered as fully integrated documents and shall interpreted so as to avoid inconsistencies, comply with all applicable laws and ensure that the objectives of the parties will be fully realized.

   Nothing in this Task Order is intended to supersede, terminate, modify or otherwise affect any Provisions of the AGREEMENT, except to the extent that provision of the AGREEMENT is in direct and irreconcilable conflict with a provision of AGREEMENT. Then, and only in that Event, the provisions of the AGREEMENT shall prevail over the contradictory of the Task Order.

2. SCOPE OF SERVICES. CONSULTANT shall perform the services described in Exhibit “A” Attached hereto and incorporated herin by reference. CONSULTANT shall not replace its Authorized Representative, nor shall CONSULTANT use any subcontractors or subconsultants not Listed in this Task Order, without the prior written consent of CITY.
3. **TIME OF PERFORMANCE.** CONSULTANT shall commence performance within five (5) working days after receipt of a Notice to Proceed from City, and shall complete all required services no later than the dates set forth in Exhibit “A”.

4. **COMPENSATION.** For services performed by CONSULTANT in accordance with this Task Order, CONSULTANT agrees to accept a sum not to exceed $49,995. CONSULTANT shall be paid at the times and in the manner set forth in Paragraph 3 of the Master Professional Services Agreement, unless expressly provided otherwise in the attached Scope of Work.

5. **SIGNATURES.** The individuals executing this Task Order represent and warrant that they have the right, power, legal capacity, and authority to enter into and to execute this Task Order on behalf of the respective legal entities of the CONSULTANT and CITY. This Task Order shall inure to the benefit of and be binding upon the parties hereto and their respective successors and assigns.

IN WITNESS WHEREOF, the City of Modesto, a municipal corporation, has authorized the execution of this Agreement in duplicate by its City Manager and attestation by its City Clerk under authority of Resolution No. 2006-_______, adopted by the Council of the City of Modesto on the _____day of __________, 2006, and has caused this Agreement to be duly executed in duplicate as of the Effective Date set forth above.

CITY OF MODESTO,
a municipal corporation

By ________________________
GEORGE W. BRITTON,
City Manager

CONSULTANT,
a California corporation*

By ________________________
Name: ________________________
Title: ________________________

APPROVED AS TO FORM:
SUSANNA ALCALĂ WOOD, City Attorney

By ________________________
ALISON A. BARRATT-GREEN,
Senior Deputy City Attorney

Consultant’s Federal ID #94-2385238

* Corporations - signature of two (2) officers required or one (1) officer plus corporate seal.

PARTNERSHIP - signature of a partner required

ATTEST:

By ________________________
JEAN MORRIS, City Clerk
EXHIBIT A

Harris & Associates
Scope of Work For Task Order No. 3
Kiernan Business Park
Preparation of the Kaiser Community Facilities District
October 24, 2006

The following Scope of Work is for preparation of the necessary studies and review of documents needed for the preparation of a Community Facilities District. The Harris Team includes three sub consultants on this project: Fehr & Peers for Traffic, Stantec for Storm Drainage and Goodwin Consulting Group. The work will be performed on a time and materials basis. The cost estimate for Harris’ hours and the sub-consultants are summarized in this Exhibit and Exhibit B includes the hourly rate schedule. The following provides Harris and Associates’ (Harris) approach and level of effort for this scope of work.

Task 3.1 – Prepare Preliminary Studies and Prepare Community Facilities District

Harris & Associates will prepare the necessary studies required by the City of Modesto (City) to determine the cost allocation responsibility and on-going maintenance responsibilities for the CFD. Harris and subconsultants will peer review the project cost for completeness and consistency and work with the City to distribute responsibility as needed. In addition, the Harris team will review and prepare on-going maintenance costs and responsibilities. All of this information will be used as input for the formation of the Community Facilities District.

Traffic Review
Fehr & Peers will prepare estimates of traffic contributions to selected intersections and roadways in the City of Modesto by four proposed developments: (1) Kaiser, (2) Kiernan Business Park East, (3) Kiernan Business Park South, and (4) Malik Business Park. The purpose of this analysis is to estimate each project’s proportional contribution for cost sharing purposes. For this analysis the following locations will be evaluated.

Intersections
1. Dale Road/Kiernan Avenue
2. Dale Road/Healthcare Way
3. Dale Road/Kaiser Medical Center Entrance
4. Dale Road/Bangs Avenue
5. Dale Road/Pelandale Avenue
6. Dale Road/Standiford Avenue

Roadway Segments
7. Pelandale Avenue: Chapman Road to Dale Road
8. Dale Road: Kiernan Avenue to Healthcare Way
9. Dale Road: Technology Drive to Kaiser Entrance
10. Dale Road: Kaiser Entrance to Bangs Avenue
11. Dale Road: Bangs Avenue and Fleur de Lis
12. Dale Road: Fleur de Lis and Pelandale Avenue
13. Dale Road: Snyder Avenue to Standiford Avenue
14. Technology Drive/Healthcare Way: Dale Road to westerly property line of Kaiser facility
15. Bangs Avenue: Dale Road to American Avenue
Fehr & Peers will use information contained in the Modesto Kaiser Environmental Impact Report (EIR) to estimate traffic volumes for the Kaiser and Malik Business Park projects.

**Kaiser**
- 1,275,000 square foot medical center

**Malik Business Park**
- 300,000 square foot business park
- 100,000 square foot medical office

For the Kiernan Business Park East and Kiernan Business Park South projects, Fehr & Peers will assume the current development proposals.

**Kiernan Business Park East**
- 1,498,224 square foot business park
- 420,354 square foot mixed use development (retail commercial)
- 80,000 square foot general office
- 80 apartment units (above office uses)
- 354 attached dwelling units

**Kiernan Business Park South**
- 160,000 square feet of professional offices
- 400,000 square feet of business park uses

Project trips for each development will be assigned to the roadway network based on PM peak hour trip generation using trip distribution percentages presented in the Kaiser EIR.

Fehr & Peers will then document the portion of traffic added to each of the study locations that can be contributed to each of the four developments listed above. Existing traffic and traffic from other developments not discussed above will not be included in this analysis.

These results will be documented in a memorandum report. A draft version will be submitted for review and comment. The comments will be incorporated into a final version.

**Community Facilities District**
Harris will prepare the Community Facilities District, which includes the following:
Goodwin Consulting Group, Inc. (GCG) will serve as special tax consultant to assist the City of Modesto (City) in the formation of a Mello-Roos Community Facilities District (CFD) that will fund public improvements and public services required to serve the Kiernan South project. GCG will meet with City staff, property owners, the City's financial advisor, bond counsel and other members of the financing team to compile data and to discuss the structure and components of the Mello-Roos cash flow analysis. This task will include (i) confirming land uses for the Bank of Stockton site and future property that will be designated as future annexation area for the CFD, (ii) identifying proposed land uses, public facilities to be financed, annual storm drain and landscape maintenance costs, anticipated absorption rates, and timing and number of bond issues, (iii) discussing assumptions to be used for the initial allocation of special taxes to land uses within the CFD and reviewing the advantages and disadvantages associated
with various allocation methods, (iv) evaluating the potential for separate CFDs, improvement areas or tax zones based on the objectives of the City and developers, and (v) coordinating with the financial advisor regarding the anticipated bond structure, including special tax/debt service escalator, bond interest rate, short-term reinvestment rate, capitalized interest, reserve fund, and other features that may affect the size of bond issues and the corresponding annual debt service.

**Mello-Roos Cash Flow Analysis**  GCG will use the information compiled to prepare an analysis of the annual cash flow of the CFD. The analysis will identify the maximum special tax that will be needed to maintain required debt service coverage on bonded indebtedness issued on behalf of the CFD. In addition, the cash flow will (i) estimate the special tax burden on undeveloped property based on a given absorption scenario, (ii) determine the size of the initial and subsequent bond sales taking into consideration minimum value-to-lien requirements set forth in state law and City policy, and (iii) evaluate the increased bonding capacity that is created from an escalating special tax and debt service or other unique bond structure.

GCG will present the cash flow analysis at a second meeting and discuss alternatives that the working group would like analyzed. Subsequent iterations of the analysis will be prepared based on feedback from City staff, affected property owners, the financial advisor, bond counsel and other members of the working group. Ultimately, through review and discussion of each alternative, the team will select a special tax structure which GCG will incorporate in the Rate and Method of Apportionment of Special Tax outlined below.

**Rate and Method of Apportionment of Special Tax** Based on the special tax structure selected pursuant to Task B-2 above, GCG will prepare the Rate and Method of Apportionment of Special Tax (RMA), which will serve as the official special tax formula for the CFD. The RMA will provide detail and direction as to how the special tax should be levied in future years to ensure adequate revenues are available for timely repayment of debt service on bonded indebtedness issued by the CFD. The RMA will be included as an exhibit to the Resolution of Intention to Form the CFD, which will be adopted by the City Council as part of the first set of actions taken towards forming the CFD.

In addition to providing guidance relative to the annual levy of special taxes in the CFD, the RMA will provide some or all of the following items:

- Identification of the maximum special tax for each special tax category, including each category of developed and undeveloped property
- Provision for a back-up special tax or alternate mechanism to be used to maintain maximum special tax revenues in the event that land uses change in future years
- A detailed prepayment formula that will provide flexibility for a property owner to prepay all or a portion of the special tax obligation after some or all bonds have been issued for the CFD
- If additional property is expected to annex into the CFD, a description of the “catch-up tax” that will apply to annexing parcels to equalize the cumulative special tax burdens (if applicable)

**Contributions and Review of Other CFD Formation Documents**  In coordination with the working group, GCG will review, prepare and contribute to other documents required in the CFD formation proceedings. Specifically, GCG will prepare the CFD Report required, pursuant to Section 53321.5 of the Government Code, to be filed with the City Clerk prior to the public hearing. GCG will also review
all CFD formation documents and, based on results of the cash flow analysis, assist in calculating the maximum bond authorization and appropriations limit for the CFD. GCG will also ensure that the CFD boundary map is consistent with the areas expected to be included in the CFD when the maximum special tax and/or bonding capacity is calculated.

In preparation for the issuance of bonds, GCG will review the bond purchase agreement, fiscal agent agreement and/or bond indenture to assure that the flow of special tax revenues and interest earnings as set forth in these documents are consistent with assumptions used in the Mello-Roos cash flow analysis. In addition, GCG will review the preliminary official statement and, at the request of the financial advisor or underwriter, prepare one or more of the following:

- A table demonstrating special tax coverage based on the projected stream of revenues compared to annual debt service on the bonds
- If multiple landowners/developers are included within the CFD, a table showing diversification of special tax burdens among the major participants
- Incorporating information provided in the appraisal, a table identifying the value-to-lien ratios for each assessor parcel or major property owner
- A table summarizing a sample tax bill for individual residential units within each tax category to demonstrate compliance with City policy pertaining to the total effective tax rate
- Any other tables requested by the financial advisor and/or underwriter to assist in disclosure related to the special tax formula

*Certification of Special Tax Revenues and Acceptance of Associated Liability*  GCG will execute the Certificate of Special Tax Consultant, which commits to bond buyers that the minimum debt service coverage will be maintained by application of GCG’s tax formula regardless of land use changes that occur within the CFD in future years.

Task 3.1 assumes 4 meetings with the City and/or developers.

**Level of Effort and costs for Task 3.1:**

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A RESOLUTION APPROVING AN AGREEMENT FOR SERVICES BETWEEN THE CITY OF MODESTO AND PACIFIC MUNICIPAL CONSULTANTS (PMC) FOR PREPARATION OF AN ENVIRONMENT IMPACT REPORT FOR THE PROPOSED WOODGLEN SPECIFIC PLAN PROJECT IN AN AMOUNT NOT TO EXCEED $230,300, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT

WHEREAS, Shawn Fitzpatrick of Fitzpatrick Homes has applied for a specific plan, referred to as the Woodglen Specific Plan, to allow for the orderly and future development within the approximate 79-acre planning area in the unincorporated portion of Stanislaus County bounded by Bangs Avenue to the north, Tully Road to the east, Pelandale Avenue to the south and Carver Road to the west, generally located in the north Modesto area, and

WHEREAS, the Woodglen Specific Plan will also involve the following associated entitlements: prezoning of the site; annexation to the City of Modesto and detachment from the Salida Fire District; an approval of a subdivision map; preparation of a Facilities Master Plan and associated Finance Plan, and formation of a Community Facilities District (CFD) (collectively “Project”), and

WHEREAS, Section 21080.1 of the California Public Resources Code requires the City of Modesto, as lead agency, to make a determination of whether an environmental impact report is required for the Project, and
WHEREAS, the City of Modesto has determined that an Environmental Impact Report will be necessary to ensure that the City of Modesto complies with the requirements of the California Environmental Quality Act for the draft Woodglen Specific Plan. The project applicant now desires to proceed with an Environmental Impact Report, and

WHEREAS, City staff recommends an Agreement between the City of Modesto and PMC be executed in an amount not to exceed $230,300 to allow PMC to prepare an Environmental Impact Report based on the scope of services supplied to City staff, and

WHEREAS, the applicant will pay the entire cost of the EIR, including staff time spent on said project, and the applicant has deposited funds with the City to cover the full amount of work outlined in the Scope of Services described in Exhibit "A" of the Agreement for Consultant Services, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Agreement between the City of Modesto and PMC for the preparation of an Environmental Impact Report for the draft Woodglen Specific Plan, in an amount not to exceed $230,300.

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 28th day of November, 2006, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Ridenour

ATTEST:  
JEAN MORRIS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
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**Appendices**

- A Resumes
- B Subconsultants

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Proposal to
City of Modesto

Waterman Luchessa Specific Plan

CEQA Analysis
PROJECT UNDERSTANDING AND APPROACH

Based on our review of the Preliminary Draft Woodglen Specific Plan, Urban Area General Plan Master Environmental Impact Report and its Update, the Environmental Information Form completed for the project, and discussions of the project approach with City staff, it has been determined that the project requires the preparation of an Environmental Impact Report (EIR).

The Woodglen Specific Plan consists of approximately 79 gross acres within the Kiernan/Carver Comprehensive Planning District. The buildout of the Woodglen Specific Plan would include approximately 541 dwelling units with densities ranging from low to high density residential, private recreation facilities, a 3.9-acre infiltration basin, and 4.9 acres of open space. Pelandale Avenue, Carver Road, Bangs Avenue, and Tully Road will provide access to the roadways proposed within the Plan area.

Entitlements and subsequent applications anticipated for the project include: 1) rezoning to the Specific Plan Overlay, 2) annexation to the City of Modesto, 3) formation of a Community Facilities District, 4) preparation of an Infrastructure Finance Plan and Facilities Master Plan, 5) General Plan Amendment, if the revised Specific Plan proposes housing units in excess of the number of units allowed by the General Plan, 6) tentative subdivision maps or development plans, and 7) site plan review for the multi-family site. Other actions, approvals, or permits would be determined through the environmental review process and project review. It is assumed that the project applicant would be responsible for obtaining all of the required entitlements, approval and permits. The environmental review will assume that services to the site will be provided by the City of Modesto or other appropriate service providers.

We are assuming that City staff will review the adequacy of any infrastructure and improvement plans, pursuant to City standards (this scope of work does not include a “plan-check” review of these documents), while PMC will perform the CEQA review of the infrastructure proposed in the Woodglen Specific Plan. This proposal does not include performance of environmental review for subsequent projects associated with the Woodglen Specific Plan.

We understand the environmental analysis for the Woodglen Specific Plan will be a stand-alone EIR, which does not tier from the Urban Area General Plan Master EIR but rather uses it as a source of reference. PMC will prepare a Notice of Preparation and Initial Study that will be used to provide interested agencies and the public an opportunity to comment on the scope of the EIR. As discussed under the scope of work below, PMC anticipates preparation of a full project-level EIR.

The project description section of the EIR will identify the components of the project and subsequent actions covered by the environmental document. Following the adoption of the EIR, environmental review of subsequent applications that are part of the Woodglen Specific Plan may be reviewed for substantial conformance with the project as described in CEQA Guidelines Section 15182 (a) which states “Where a public agency has prepared an EIR on a specific plan after January 1, 1980, no EIR or negative declaration need be prepared for a residential project undertaken pursuant to and in conformity to that specific plan if the project meets the requirements of this section.” Future applications may also be reviewed under Section 15162 of the CEQA Guidelines, which identify the circumstances when a subsequent EIR is required. Unless, as described under Section 15162, substantial changes are proposed to the project, circumstances under which the project will be undertaken have changed substantially, or new information of substantial importance regarding significant impacts or mitigation measures is available, a subsequent EIR does not need to be prepared. A Notice of Determination should be filed for each phase of the project as it is approved (CEQA Guidelines Section 15075(a)).

PMC will prepare a project level Environmental Impact Report (EIR) in compliance with CEQA Guidelines. In addition, PMC will also comply with the City’s environmental review procedures and consider any environmental standards established through City ordinances and the General Plan.

Proposal to
City of Modesto

Woodglen Specific Plan
CEQA Analysis
SCOPE OF WORK

- Transportation/Circulation.
- Mandatory Findings of Significance.

Meetings: The Project Manager will attend a scoping meeting for the project. Time and cost for meetings is included under Task 6.

Deliverables: Sixty-five (65) copies of the NOP/Initial Study. PMC anticipates providing fifty (50) copies to the City, one camera ready, unbound copy suitable for reproduction and one disk copy, and providing fifteen (15) copies to the State Clearinghouse. The Notice of Preparation will accompany the Initial Study. The City will be responsible for distribution of the Notice and Initial Studies, except to the State Clearinghouse.

TASK 3. PREPARATION OF THE ADMINISTRATIVE DRAFT EIR

The Administrative Draft EIR shall be prepared pursuant to the CEQA Guidelines. The information compiled by PMC’s team during preparation of the Initial Study will be compiled into a format suitable for the Environmental Impact Report. Under this task, additional efforts will include preparing the executive summary, determine appropriate project alternatives, and analyzing long-term impacts and growth effects associated with implementation of the project.

The major sections and topic areas to be addressed within the Administrative Draft EIR would include the following:

Introduction. The Introduction will briefly describe the purpose of the document, the CEQA process, and terminology used in the EIR.

Executive Summary. The Executive Summary will provide a brief description of the project, areas of controversy, and a summary of environmental impacts and mitigation measures identified in the EIR. The environmental impacts and mitigation measures will be provided in a matrix format for ease of review.

Project Description. The Project Description will provide a complete and detailed description of the project, including project objectives and graphics illustrating the project’s location and characteristics. The Project Description will aid the public and interested agencies in understanding the project's area-wide context and its potential environmental impacts.

Environmental Analysis. The Environmental Analysis section will address the topics of concern identified in the Initial Study/Notice of Preparation (NOP), as well as issues raised in response to the NOP.

This section will be largely based on the Initial Study drafted for the project, which will identify potential impacts of the project. It is anticipated that the information in the Initial Study will be supplemented to provide more detail, particularly for the technical analyses, as well as the regulatory framework and General Plan analyses, which are not generally provided in an Initial Study. Additional technical analysis required to analyze project alternatives for the EIR is included in this Scope of Work.

PMC’s Project Team includes AMBIENT Air Quality and Noise Consulting (air quality and noise), KDAnderson Transportation Engineers (traffic), and ENGEO (agricultural resources) who will prepare technical studies in their areas of expertise to determine the significance of potential impacts. Technical studies are an essential component of the EIR since the significance of impacts that would occur with implementation of the project has not been assessed. For example, traffic associated with the project may result in significant impacts due to level of service change(s) on roadways serving the site, impacts due to noise exposure from Pelandale Avenue or Tully Road may not be mitigable to a less than significant level, air pollutants associated with project construction or operations may exceed the standards established by the San Joaquin Valley Air Pollution Control District, and conversion of important agricultural lands to urban development.
state and federal ambient air quality standards, which have been established for the protection of human health and welfare.

- No major emission sources of toxic air contaminants or odors have been identified in the project area, nor is the proposed project anticipated to result in the development of such emission sources. As a result, evaluation of toxic air contaminants and odors will be qualitatively assessed. This assessment will include identification of minor sources of TACs and odors within the project area, as well as a general discussion of potential adverse short-term and long-term human health impacts. If necessary, based on the initial analysis, a Human Health Risk Assessment (HHRA) may be required as an optional item. A scope of work and cost estimate for the HHRA will be provided to the City once specific emissions sources and the required modeling for those sources have been identified.

- Prepare an analysis of regional changes in vehicle and indirect emissions using the most recent version of the URBEMIS-2002 computer program adopted by the SJVAPCD; the version currently adopted by SJVAPCD is URBEMIS-2002 8.7. This analysis will include quantification of area and mobile-source emissions, based in part on the traffic analysis prepared for this project. Net change in long-term operational emissions due to the construction of the project and alternatives will be quantified. Impact significance will be determined in comparison with SJVAPCD-recommended thresholds of significance. Note: The air quality analysis prepared for this EIR would not involve the calculation of emissions in support any regulatory compliance requirements such as permit/indirect source review applications.

- Evaluate consistency of the project with local general plan policies and with regional air quality planning efforts.

- Identify construction mitigation measures necessary to reduce construction dust impact to a level that is less-than-significant.

- Develop, with the assistance of SJVAPCD staff, mitigation measures for permanent air quality impacts found to be significant in association with Rule 9510, Indirect Source Review. Estimate effectiveness in reducing emissions. The analysis will be coordinated with the City to determine if project emissions have already been addressed adequately in the Urban Area General Plan Master EIR.

**Biological Resources.** The project site encompasses approximately 79 acres of predominantly ruderal and agricultural vegetation, which provides potential habitat for several special-status and projected species, including Swainson’s hawk. PMC’s biologist assisted by technical staff will perform the following tasks in preparation of the biological resources analysis.

- Identify the existing setting for biological resources, including a query of the California Natural Diversity Database (CNDDB) and the California Native Plant Society (CNPS) databases to compile a list of special-status plant species that have potential to occur within the study area, use of CNDDB information and other technical reports and agency information to help determine the likelihood of special-status species that may occur within the project area.

- A list of federally listed special-status species with potential to occur in the area will be requested from the U.S. Fish and Wildlife Service (USFWS).

- The California Department of Fish and Game (CDFG) shall also be consulted to discuss the project and obtain any pertinent information on State listed and sensitive species. Burrowing owl and Swainson’s hawk, state and federal species of concern would be a high priority focal species in this area.
**SCOPE OF WORK**

**Hydrology/Water Quality.** PMC will prepare the Hydrology and Water Quality section that addresses issues related to storm drainage, flooding, erosion/sedimentation, and storm water quality. The following research and review activities will be conducted:

- Reconnaissance of the site and surrounding area to visually evaluate its hydrologic and topographic character and its orientation with respect to local and master planned storm drainage facilities.
- Review of infrastructure capacity studies relevant to storm drainage prepared for the proposed development by the City's consultant.
- Review of the most recent Storm Drainage Master Plan for the City of Modesto prepared by Stantec Consulting Inc.
- Review of City of Modesto standards and policies that are pertinent to development in this area.
- Meet with City of Modesto staff to obtain any additional relevant information regarding drainage and flooding in the area that should be considered in the evaluation of the proposed project.
- Review pertinent documents and materials, including technical analysis of the storm drainage plan for the specific plan area to be performed by Stantec, the proposed site master plan, any preliminary grading and drainage plans, any topographic mapping prepared for the proposed specific plan area by the applicant, USGS Quadrangle maps and aerial photographs covering the area, and the City of Modesto's design manual relating to storm water quality.
- Identify impacts related to storm runoff production, storm drainage control, dual-use detention, erosion/sedimentation, and storm water quality.
- Develop mitigation measures, as appropriate.

**Land Use.** The Plan area is within the Kiernan/Carver CPD. A range of residential densities and an open space area are proposed in the Woodglen Specific Plan. The EIR will describe the character of the region and the area surrounding the project in terms of existing, planned and future development patterns and land uses. PMC will identify adopted, planned and proposed development in the project area and buildout under the General Plan. PMC will describe existing land uses as well as City and County General Plan and zoning land use designations in the vicinity of the project. Consistency with applicable LAFCo goals will also be described. The project will be reviewed for conformity with applicable General Plan policies (including uses planned for the Kiernan/Carver CPD), development standards, and other appropriate plans and guidelines and the project's consistency with the applicable plans, programs and ordinances will be identified.

**Agricultural Resources.** The Plan area was previously used for agricultural operations and is currently under two Williamson Act contracts. Figure V-4-1 of the 2003 Final Master EIR for the Urban Area General Plan identifies the Plan area as 'Important Farmland.' Development of the Plan area would alter existing land use patterns in the project area and would remove agricultural lands from service. The project would also result in potential agricultural/interface conflicts with surrounding lands. The project will be reviewed for conformity with applicable General Plan policies and the project's consistency with the applicable plans, programs and ordinances, including applicable LAFCo goals, will be identified. ENGEIO will prepare the agricultural analysis for the project. The work effort will include review the most recent soil survey for Stanislaus County produced by the U.S. Department of
SCOPE OF WORK

Implementation of the project would result in an increase in demand for public services in the project area. PMC will use water and wastewater analyses, including a Water Supply Assessment, Water Capacity Analysis, and Wastewater Study, prepared by the City's consultants for use in determining impacts to water and wastewater providers. The following tasks will be performed for the public service section:

- Service and utility providers will be contacted in order to determine existing service levels in the project area. This would include documentation regarding existing staff levels, equipment and facilities, and planned service expansions. Based on a preliminary review of the project, it is not anticipated that the project would result in any significant impacts to public schools and recreation services.
- Describe City and District policies, programs, and standards associated with the provision of public services.
- Based on the above review, identify significant public service impacts as a result of implementation of the proposed project.
- Specifically address potential impacts associated with discharge capacity and secondary treatment requirements for wastewater.
- Identify mitigation measures for any significant impacts identified.

Transportation/Circulation. KDAnderson Transportation Associates (KDA) will prepare the traffic analysis for the project pursuant to the standard City requirements. The traffic analysis will include the following:

Study Initiation
- KDA will attend an initiation meeting with the client and City staff to discuss the City's concerns, study approach, developer objectives for the project, etc., and review the schedule for the traffic study and for the EIR as a whole.
- Identify CEQA Standards of Significance for signalized and unsignalized intersections, pedestrian/bicycle safety, design features and other potential transportation impacts.

Collect Traffic Volume Data/Assess Current Conditions
- KDA will collect the traffic count information needed for the traffic analysis. KDA will assemble p.m. peak hour traffic counts at the intersections that are likely to be affected by the development of the project. KDA's budget includes new counts at study intersections, including:

1. Pelandale Avenue / Carver Road
2. Pelandale Avenue / Tully Road
3. Bangs Avenue / Carver Road
4. Bangs Avenue / Tully Road
5. Kiernan Avenue / Carver Road
6. Kiernan Avenue / Tully Road
7. Standiford Avenue / Carver Road
8. Standiford Avenue / Tully Road
9. McHenry Avenue / Bangs Avenue
10. Tully Road / Snyder Avenue
11. Carver Road / Snyder Avenue
12. Prescott Road / Snyder Avenue
13. Prescott Road / Pelandale Avenue
SCOPE OF WORK

11. Carver Road / Snyder Avenue
12. Prescott Road / Snyder Avenue
13. Prescott Road / Pelandale Avenue

- To produce year 2025 forecasts KDA will disaggregate the current citywide traffic model to accurately assign traffic to the local street system. Resulting p.m. peak hour forecasts will be created in a manner that is consistent with other recent City EIR's. Resulting p.m. peak hour forecasts will be created in a manner that is consistent with other recent City EIRs.

Review Project Access and Related Items.

- Proposed project access will be reviewed with regard to City of Modesto standards for intersection spacing, and the extent to which auxiliary lanes / traffic controls are needed will be suggested.
- Evaluate potential impacts to pedestrian and bicycle safety.
- Evaluate proposed on-site access and any potential traffic safety issues.

Identify Mitigation Measures.

- If unsatisfactory traffic or access conditions are projected we will explore alternative mitigation measures and recommend a strategy for reducing impacts to a level of insignificance. However, those impacts that may not be avoidable will be noted as well.

Meetings / Coordination

- KDA has assumed three (3) meetings, and this cost is included in the budget. However, while participation in the Planning Commission review of the project or additional meetings with City staff may be necessary, this cost is not included in KDA's base budget.

Mandatory Findings of Significance. PMC will assess the project in light of the mandatory findings of significance included in the CEQA Guidelines and will identify the significance of potential impacts.

Other CEQA Required Sections. The EIR will include the other required sections including cumulative impact analysis, growth inducing impacts of the project and summary of significant and unavoidable impacts of the project.

Project Alternatives. PMC will coordinate with City staff in the development of up to three reasonable alternatives to the proposed project. Our proposal includes consideration of one alternative site to be determined in consultation with the City. Other alternatives could include no project and modified design alternatives. These alternatives will be described qualitatively and quantitatively, and contrasted with the proposed project in terms of the extent that the alternatives can achieve project objectives or reduce adverse impacts. This analysis will be presented in a separate chapter of the EIR.

Mitigation Monitoring and Reporting Program. A Mitigation Monitoring and Reporting Program (MMRP) will be prepared as part of the ADEIR to facilitate implementation of all mitigation measures adopted through the CEQA process. The MMRP will list the mitigation measures identified within the EIR for a
SCOPE OF WORK

Task 7: Notices, Findings and Resolutions

PMC will prepare the Notice of Preparation for the EIR and Notices of Completion for submittals to the State Clearinghouse. PMC will also prepare the Statement of Overriding Considerations and provide the City with a Resolution to adopt the environmental document, make required findings, and adopt the Mitigation Monitoring and Reporting Program.

Deliverables: PMC will provide fifteen (15) copies to the City, one camera ready, unbound copy suitable for reproduction and one disk copy.

Task 8: Meetings and Project Management

PMC will attend up to six (6) meetings for the EIR. These meetings will include Project Manager and Senior Environmental Planner attendance at three (3) project meetings with City staff and Project Manager attendance at three (3) public hearings regarding the project. The traffic engineer, KDA, will attend two staff-level meetings and one public meeting. During the comment period on the Notice of Preparation, PMC anticipates attending a scoping meeting and presenting the project and its anticipated environmental effects. PMC and KDA will attend additional meetings at the request of the City on a time/expense cost basis.

Task 9: Wetland Delineation (Optional)

Background: Wetland delineations are a standardized method of identifying water features within the jurisdiction of the Army Corps of Engineers (Corps). The Corps has jurisdiction over a variety of water features including wetlands (i.e. vernal pools, marshes, seasonal wetlands) and "other Waters of the United States" (i.e. drainages, creeks, streams, navigable waters, tidal area). The Corps has provided guidance on the characteristics that wetlands and "other waters of the United States" must have to be determined within their jurisdiction. This guidance is provided in the 1987 Corps Delineation Manual. Jurisdictional wetlands must (under normal conditions):

- be inundated or saturated for a least five percent of the growing season (about 14 consecutive days in Central California);
- support hydrophytic (water loving) vegetation (more than fifty percent of the cover); and
- be underlain by hydric (historically saturated) soils.

PMC proposes to utilize a routine on-site wetland delineation method as presented in the 1987 Corps Delineation Manual (Section C, Subsection 3) to identify the jurisdictional wetland features and their extent within the project area. The method of determining the jurisdictional status of wetland features and delineating the feature boundaries will be field surveys.

Paired data points will be taken within and outside of each feature to determine and justify the wetland boundaries. Data point locations will be recorded with the use of GPS units. Standard data (dominant vegetation, soil characterization and indicators of hydrology) will be collected and recorded on standard wetland delineation sheets. The location of non-wetland jurisdictional waters (linear drainages, ponds, creeks etc.) will be recorded with GPS units. Width characteristics of linear features will be recorded at 10-foot intervals or as appropriate (given the nature of the feature). Soil mapping provided by the Natural Resource Conservation Service will be digitized into a GIS file. The delineation map will be superimposed on the soil mapping to document the soil type of wetland features.

A Draft Preliminary Wetland Delineation Report will be submitted to the client for review. Comments and edits will be considered and a Preliminary Wetland Delineation Report will be prepared for submittal to the Corps for verification. It is assumed that the field verification meeting with the Corps will be no longer than 8 hours.

The Corps may require an aerial photograph and a detailed topographic mapping of the site. It is assumed that the project
SCHEDULE

Upon authorization to proceed, PMC will provide the Administrative Draft Environmental Impact Report to the City within 8 weeks; this time period assumes that PMC will work during the 30-day circulation period of the NOP. At the close of the 45-day public review period of the Draft Environmental Impact Report, we anticipate four weeks to respond to comments and prepare the Final Environmental Impact Report. This schedule is dependent on timely completion of infrastructure capacity studies that are acceptable to the City and provided to PMC by the 3rd week of Task 3.
ASSUMPTIONS

ASSUMPTIONS UPON WHICH THIS PROPOSAL IS BASED

The scope of work and cost provisions of this proposal are based upon several assumptions that are summarized below. PMC recognizes that these assumptions may be subject to change by the City during the course of the project. While such changes would not necessarily result in modification of the scope or cost, PMC reserves the right to propose such modifications in the event of such changes.

- Property owners must give access permission before any field review activities may begin; if property access is delayed, the time period to complete the Initial Study shall be extended commensurate with the delay.

- PMC assumes that the agricultural suitability analysis, Phase II Environmental Assessment, and water, wastewater, and storm water technical reports being prepared as part of the Facilities Master Plan will be reviewed by the City for conformity to applicable City and state standards and that the report preparers will be available for questions at no expense to PMC. These reports or adequate data from the reports to complete the EIR analysis are assumed to be received by PMC within eight weeks of commencing work on the project to avoid delays on the project.

- PMC assumes that the applicant will initiate a Rule 9510, Indirect Source Review (ISR) with the San Joaquin Valley Air Pollution Control District as soon as possible to avoid delays in preparation of the air quality analysis included in the EIR. The results of the ISR shall be provided to PMC as soon as they are available.

- It is the applicant's responsibility to obtain any necessary permits and other regulatory approvals. Any information generated from the project applicant's negotiations, coordination, and consultations with regulatory agencies and through pre-application packages that may be useful during the preparation of the Initial Study, should be forwarded to PMC.

- The Project Description shall not be substantially changed once approved by the City.

- It is assumed that the project applicant will provide detailed information necessary for a thorough evaluation of the Specific Plan request as noted in the scope. In order to maintain the project schedule, this information must be available to the consulting team upon notice to proceed.

- There will be two rounds of review of the Initial Study by the City. The City will provide PMC with one copy of consolidated comments on each draft of the Initial Study.

- There will be two rounds of review of the Administrative Draft Environmental Impact Report. The City will provide PMC with one copy of consolidated comments on the Administrative Draft EIR and Screencheck Draft EIR.

- The schedule for the completion of the Administrative Final Environmental Impact Report will be based on the receipt of a complete set of comment letters. Responses to comments estimate assumes a moderate level of effort as described in the scope of work. PMC reserves the right to renegotiate if comments received would require a level of effort beyond our estimate.

- City staff and responsible agencies will cooperate with the PMC Project Team in a timely manner.
EXHIBIT B
MONTHLY BILLING TEMPLATE
## BUDGET

### Executive Summary

Project Description and Planning

- Agricultural Resources
- Population, Housing, and Employment
- Transportation and Circulation
- Noise
- Air Quality
- Biological Resources
- Hazards/Hazardous Materials
- Geology and Soils
- Hydrology and Water Quality
- Cultural Resources
- Visual Resources

Proposal to City of Modesto

Woodglen Specific Plan

CEQA Analysis

### Budget

<table>
<thead>
<tr>
<th>Task Description</th>
<th>Project Director</th>
<th>Project Manager</th>
<th>Biological Specialist</th>
<th>Environmental &amp; GIS Planners</th>
<th>Graphics/ISP Staff</th>
<th>Sub-Consultant</th>
<th>Printing, Distribution and Other Costs</th>
<th>Totals</th>
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<tbody>
<tr>
<td></td>
<td>$145</td>
<td>$115</td>
<td>$90 - $95</td>
<td>$80 - $100</td>
<td>$65</td>
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### 1. Project Initiation

**Subtotal Task 1**

- 2
- 4
- 0
- 0
- 0
- 0
- 220
- 970

### 2. Initial Study/Notice of Preparation

**Subtotal Task 2**

- 2
- 14
- 5
- 62
- 11
- 2412
- 11,297

### 3. Administrative Draft Environmental Impact Report

- Executive Summary
- Project Description
- Land Use & Planning
- Agricultural Resources
- Population, Housing, and Employment
- Transportation and Circulation
- Noise
- Air Quality
- Biological Resources
- Hazards/Hazardous Materials
- Geology and Soils
- Hydrology and Water Quality
- Cultural Resources
- Visual Resources

Proposal to City of Modesto

Woodglen Specific Plan

CEQA Analysis

15
### Budget Exhibit B

<table>
<thead>
<tr>
<th>Optional Tasks</th>
<th>9: Wetland Delineation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Task 9</td>
<td>4</td>
</tr>
<tr>
<td></td>
<td>$580</td>
</tr>
</tbody>
</table>

Notes:  
1. Outside direct costs are passed through with a 10% mark up.  
2. Printing, Distribution, and Other costs include the costs of document reproduction and delivery to the State Clearinghouse.  
3. The Cultural Resources budget includes attendance at one meeting by a senior cultural resources specialist.  
4. Additional meetings will be billed based on time and expenses; Principal Traffic Engineer attendance will be billed at $125/hour.  
5. Senior Biological Manager time shown as Project Director time for Task 9.
MODESTO CITY COUNCIL
RESOLUTION NO. 2006-724

A RESOLUTION APPROVING AN AGREEMENT CONSENTING TO COMMON USE WITH THE MODESTO IRRIGATION DISTRICT (MID) FOR UTILIZATION OF AN EASEMENT WITHIN LATERAL NO. 4 FOR THE PURPOSE OF CONSTRUCTING A CLASS I NON-MOTORIZED TRAIL AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT

WHEREAS, the City of Modesto Non-Motorized Transportation Master Plan (the Plan) was adopted in July, 1996, and re-adopted by Council in 2003, and

WHEREAS, the Plan designates a Class I Non-Motorized trail to run from Needham Avenue near downtown Modesto to the northern City boundary near Bangs Avenue, and

WHEREAS, this trail is known as the Virginia Corridor Project, and

WHEREAS, in order to plan for installation and maintenance of this trail, two agreements with MID are needed, and

WHEREAS, the next project phase of the Virginia Corridor Project will construct a Class I paved trail and amenities between College Avenue and Roseburg Avenue, and between Granger and Orangeburg Avenues, and will be completed by a City-hired contractor next spring, and

WHEREAS, the construction phase will occupy a portion of the Modesto Irrigation District (MID) right-of-way of its Lateral 4, referred to as an “Area of Common Use”, and

WHEREAS, an Agreement Consenting to Common Use will be required for said construction,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves an Agreement Consenting to Common Use with the
Modesto Irrigation District for utilization of easements within Lateral No. 4 for the purpose of installing and maintaining a Class I non-motorized trail.

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 28th day of November, 2006, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Ridenour

ATTEST: 

JEAN MORRIS, City Clerk

APPROVED AS TO FORM:

By 

SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2006-725

A RESOLUTION APPROVING A LICENSE AGREEMENT WITH THE
MODESTO IRRIGATION DISTRICT (MID) FOR UTILIZATION OF AN
EASEMENT WITHIN LATERAL NO. 4 FOR THE PURPOSE OF INSTALLING
AND MAINTAINING A CLASS I NON-MOTORIZED TRAIL AND
AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT

WHEREAS, the City of Modesto Non-Motorized Transportation Master Plan (the
Plan) was adopted in July, 1996, and re-adopted by Council in 2003, and

WHEREAS, the Plan designates a Class I Non-Motorized trail to run from
Needham Avenue near downtown Modesto to the northern City boundary near Bangs
Avenue, and

WHEREAS, this trail is known as the Virginia Corridor Project, and

WHEREAS, in order to plan for installation and maintenance of this trail, two
agreements with MID are needed, and

WHEREAS, the next project phase of the Virginia Corridor Project will construct
a Class I paved trail and amenities between College Avenue and Roseburg Avenue, and
between Granger and Orangeburg Avenues, and will be completed by a City-hired
contractor next spring, and

WHEREAS, this phase will also require use of a portion of Lateral No. 4, along
the northerly right-of-way from Virginia Avenue to just west of College Avenue, for the
purpose of installing and maintaining a bike path and landscaping and for a temporary
construction area, which will require a “License Agreement” between the City and MID,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that the Council hereby approves a License Agreement with the Modesto Irrigation
District for utilization of easements within Lateral No. 4 for the purpose of installing and maintaining a Class I non-motorized trail.

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 28th day of November, 2006, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

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

APPROVED AS TO FORM:

By _____________________________
SUSANA ALCALA-WOOD, City Attorney

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

WHEREAS, the City adopted and last amended its Citizen Participation Plan in September of 2005, and

WHEREAS, in order to comply with the Citizen Participation Plan and HUD regulations, the City must publish a Citizen Participation Calendar for the development of the coming year’s Annual Action Plan, and

WHEREAS, the Citizen Participation Calendar contains the Annual Action Plan, Public Service Grant Activities, and the advertisement dates for the Public Service Grants and the Annual Action Plan Community Meetings, and

WHEREAS, a copy of said Citizen Participation Plan is attached hereto as Exhibit “A” and incorporated herein by reference, and

WHEREAS, the Citizens Housing and Community Development Committee met on November 9, 2006, and supported staff’s recommended Citizen Participation Calendar,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves the timeline for development of the Annual Action Plan, and the CDBG and ESG Public Service Grants, for Fiscal Year 2007-2008, a copy of which is attached hereto as Exhibit "A" and is incorporated herein by reference.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of November, 2006, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Ridenour

Attest: [Signature]

JEAN MORRIS, City Clerk

APPROVED AS TO FORM:

By: [Signature]

SUSANA ALCALA WOOD, City Attorney
## City of Modesto
### HUD Programs – Fiscal Year 2007-2008
### Citizen Participation Calendar of Events

<table>
<thead>
<tr>
<th>Activity</th>
<th>Date</th>
<th>Time</th>
</tr>
</thead>
<tbody>
<tr>
<td>Timeline for Annual Action Plan, Public Service Grants and Citizen Participation Calendar Approved by the CH&amp;CDC, Room 3001, Tenth Street Place</td>
<td>09 Nov 06</td>
<td>12:00 p.m.</td>
</tr>
<tr>
<td>City Council Meeting to Approve the Draft Timeline for Annual Action Plan, Public Service Grants and Citizen Participation Calendar of Events, Council Chambers, Tenth Street Place</td>
<td>28 Nov 06</td>
<td>5:30 p.m.</td>
</tr>
<tr>
<td>Ad placed in local English Language Newspaper for Staff Technical Assistance Workshop for CDBG Public Service Grants</td>
<td>10 days Prior to the Technical Assistance Workshop</td>
<td></td>
</tr>
<tr>
<td>Ad placed in local Spanish Language Newspaper for Staff Technical Assistance Workshop for CDBG Public Service Grants</td>
<td>10 days Prior to the Technical Assistance Workshop</td>
<td></td>
</tr>
<tr>
<td>Application Period for Public Service Grants Opens (January 24, 2007 - February 23, 2007)</td>
<td>24 Jan 07</td>
<td></td>
</tr>
<tr>
<td>Staff Technical Assistance Workshops for CDBG Public Service Grants</td>
<td>1st Week of February</td>
<td></td>
</tr>
<tr>
<td>Applications Due for Funding Requests for Public Service Grants</td>
<td>23 Feb 07</td>
<td>5:00 p.m.</td>
</tr>
<tr>
<td>Analysis of Public Service funding Requests by Staff and Review Committee</td>
<td>26 Feb 07 – 09 Mar 07</td>
<td></td>
</tr>
<tr>
<td>Public Service Grant Review Committee to Review Grant Requests</td>
<td>By 16 Mar 07</td>
<td></td>
</tr>
<tr>
<td>CH&amp;CDC Meeting and Public Hearing to consider funding requests for Public Service Applications, Council Chambers, Tenth Street Place</td>
<td>23 Mar 07</td>
<td>12:00 p.m.</td>
</tr>
<tr>
<td>Ad placed in local English Language Newspaper for Community Meetings to Obtain input for Annual Action Plan</td>
<td>Mar 07</td>
<td></td>
</tr>
<tr>
<td>Ad placed in local Spanish Language Newspaper for Community Meetings to Obtain Input for Annual Action Plan</td>
<td>Mar 07</td>
<td></td>
</tr>
<tr>
<td>Activity</td>
<td>Date</td>
<td>Time</td>
</tr>
<tr>
<td>--------------------------------------------------------------------------</td>
<td>--------------</td>
<td>----------</td>
</tr>
<tr>
<td>Community Meetings to Obtain Input on Annual Action Plan</td>
<td>March/April 07</td>
<td></td>
</tr>
<tr>
<td>City Council Meeting to Consider and Approve Funding Recommendations for Public Service Grants, Council Chambers, Tenth Street Place</td>
<td>03 Apr 07 (Tuesday)</td>
<td>5:30 p.m.</td>
</tr>
<tr>
<td>City Council Study Session, Council Chambers, Tenth Street Place</td>
<td>03 Apr 07 (Tuesday)</td>
<td>5:30 p.m.</td>
</tr>
<tr>
<td>30-day Public Notice Announcing Availability of 2007-2008 Annual Action Plan for Review and Comments (11 Apr to 11 May)</td>
<td>11 Apr 07 (Wednesday)</td>
<td></td>
</tr>
<tr>
<td>CH&amp;CDC Meeting to Consider Final Draft of 2007-2008 Annual Action Plan, City Hall, Tenth Street Place</td>
<td>27 Apr 07 (Friday)</td>
<td>12:00 p.m.</td>
</tr>
<tr>
<td>City Council Meeting and Public Hearing to Consider and approve Recommendations for the 2007-2008 Annual Action Plan</td>
<td>08 May 07 (Tuesday)</td>
<td>5:30 p.m.</td>
</tr>
<tr>
<td>2007-2008 Annual Action Plan Due to HUD</td>
<td>31 May 07 (Thursday)</td>
<td></td>
</tr>
</tbody>
</table>
A RESOLUTION REVISING THE POSITION CLASSIFICATION PLAN FOR THE CITY OF MODESTO.

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

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

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

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

SECTION I. CLASSIFICATIONS AMENDED. The Position Classification Plan of the City of Modesto is hereby amended to revise the job specification for the following classifications:

1. Instrument Repair Technician

The job specification for classification of Instrument Repair Technician is being amended to more accurately describe the essential functions related to electronics and instrumentation. The job specification for the classification of Instrument Repair Technician, 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.
2. Electrician

The job specification for the classification of Electrician is being amended to more accurately reflect the essential functions of the job. The job specification for the classification of Electrician, as shown on the attached Exhibit “B,” which is hereby made a part of this resolution by reference, is hereby approved and made part of the Position Classification Plan of the City of Modesto.

SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after November 28, 2006.

The foregoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 28th day of November, 2006, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Ridenour

ATTEST: Jean Morris

(SEAL)

APPROVED AS TO FORM:

By: Susana Alcala Wood, City Attorney
INSTRUMENT REPAIR TECHNICIAN

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 perform difficult and complex technical work in the design, testing, installation, maintenance, calibration and repair of pneumatic, electronic and electrical control and data acquisition systems for water and wastewater distribution, collection and treatment operations.

SUPERVISION RECEIVED AND EXERCISED

Receives general supervision from higher level supervisory and management staff.

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

**Essential Functions:**

Install, maintain, repair and adjust computer system hardware and software, digital data multiplexing equipment used for indicating, telemetering, measuring and controlling flow, temperature, motion, force, and chemical composition.

Install, repair and maintain the Supervisory Control and Data Acquisition (SCADA) system:

Repair, maintain and calibrate the level, pressure and flow telemetry:

Install, maintain, test, calibrate, repair and adjust computer system hardware and software, equipment and components of process control and Supervisory Control and Data Acquisition (SCADA) system.

Design, install, repair and maintain control circuits for monitoring and controlling flow, temperature, motion, pressure, and chemical composition.

Design, install, repair calibrate and maintain circuits for operation and monitoring of motor controls, and remote telemetry unit interface; program system components for water and wastewater systems.
Essential Functions: (Continued)

Configure process and instrumentation diagrams, control loop parameters and logic for programmable logic controllers and control systems.

Maintain and repair automatic control valves and associated control functions.

Maintain SCADA system including control loops and relays.

Operate a variety of electronics testing equipment:

Install, maintain and repair underground and overhead circuits and control systems used in the operation of motors, pumps and generators at city-owned facilities.

Maintain a variety of electronic control instruments used to operate electrical mechanical equipment, record data, indicate equipment status and activate supervisory control.

Use a variety of test equipment including computers, oscilloscopes, frequency generators and other specialized equipment or devices to calibrate, repair and maintain system.

Using a laptop or personal computer, communicate with the SCADA system, remote telemetry units (RTU's), and radios.

Read and interpret wiring diagrams, mechanical drawings, manuals and specifications used during installations or when performing repair work.

Document and draw circuits as installed; make recommendations for improvements to instrumentation systems.

Perform Electrical maintenance:

Marginal Functions:

Maintain service records, identify sources and participate in development of specifications for requisitions for parts and electrical equipment.

Train operations and maintenance staff on process control equipment.

Perform related duties as assigned.
QUALIFICATIONS

Knowledge of:

Methods, practices and equipment used in the installation, construction, repair, maintenance, testing and adjustment made to the SCADA systems used in water treatment operations.

Design, construction, installation and maintenance of industrial electrical and electronic systems.

Principles and practices of electronics, computer systems, pneumatic and hydraulic control systems as applied to control and data acquisition systems.

Programming of controllers used in water and wastewater treatment systems.

Principles of electronics as applied to telemetry.

Codes, laws and ordinances related to assigned area of responsibility.

Safe working practices and procedures.

Basic methods, materials, tools, equipment, and procedures required/used in the installation and repair of electrical circuits, systems and devices.

Ability to:

Use and operate a variety of electrical, electronic and mechanical tools, instruments and equipment.

Perform manual labor, including but not limited to medium-heavy occasional lifting up to 75 pounds.

Pass an annual physical examination.

Read and understand technical drawings, specifications and maintenance manuals.

Prepare wiring diagrams and blueprints.

Install, repair and maintain a variety of electronic systems relative to water treatment operations.

Operate and use a personal computer.

Exhibit "A"
Ability to: (Continued)

Communicate clearly and concisely, both orally and in writing.

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

Experience and Training Guidelines

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

Experience:

Journey level: Four years experience in industrial electrical systems and electronics involving the calibration, set-up and testing of electronic instrumentation including one year at the journey level.

Training:

Trade school or college level coursework in electronic sensory systems diagnosis, maintenance, repair and testing is desirable.

License or Certificate:

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

WORKING CONDITIONS

Environmental conditions:

Field environment; exposure to electrical energy.

Physical conditions:

Essential and marginal functions may require maintaining physical condition necessary for walking, standing or sitting for prolonged periods of time; operating motorized equipment and vehicles; the ability to distinguish color.

Exhibit "A"
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 perform a wide variety of skilled work in the installation, maintenance, and repair of electrical systems and equipment, which may include working with high voltage up to 6000 volts.

**DISTINGUISHING CHARACTERISTICS**

This is the full journey level class within the Electrician series. Electricians may be allocated to utilities support, including water, wastewater and storm drain collection and treatment or to electrical support, including street lighting, signalization, and facilities. Within these assignments incumbents may develop specialization in one or more areas.

Employees within this class are distinguished from the Assistant Electrician by the performance of the full range of duties as assigned, including maintenance and repair of high voltage systems. Employees at this level receive only occasional instruction or assistance as new or unusual situations arise and are fully aware of the operating procedures and policies of the work unit.

**SUPERVISION RECEIVED AND EXERCISED**

Receives general supervision from an Electrical Supervisor.

Exercises functional and technical supervision over Assistant Electricians and Electrical Technicians.

**ESSENTIAL AND MARGINAL FUNCTION STATEMENTS**

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

**Essential Functions:**

Diagnose problems and perform complex electrical maintenance and repair work involving municipal facilities, utilities systems, buildings, and signalization and lighting systems including high voltage systems, traffic management, closed circuit television and Supervisory Control and Data Acquisition systems.

Exhibit "B"
Essential Functions: (Continued)

Install, maintain, and repair traffic signals and street lighting, including underground and overhead lines, poles, control circuits, preemption units, battery backup, detection loops, cameras, and microwaves; installs, maintains and repairs communication systems including fiber optic, twisted pair and radio equipment.

Install, maintain, and repair control systems, motors, generators, pumps, telemetering systems, variable frequency drives (VFDs), analyzers, sensors, detectors and other electromechanical and electronic equipment, including replacing boards, cards, chips and other components.

Install, maintain and repair electrical and lighting equipment, heating, air conditioning, and ventilation systems, Automated Traffic Control Systems (ATMS), intercommunication and computer systems, in the City's buildings, parks, plant and pumping stations.

Repair and replace defective or work electrical parts in communication hubs, motors, generators, pumps, controllers, switches, pneumatic systems, boilers, and other facilities and equipment.

Test, locate, and repair damaged electrical circuitry, communication and fiber optic systems.

Inspect electrical equipment and lighting to ensure safe and satisfactory functioning.

Read blueprints, schematics, and electrical diagrams. Participate in the design of electrical systems as necessary. Recommend development or changes to specifications. 

May operate heavy equipment including backhoes, aerials, and other construction equipment. Establish work zones, set up traffic controls and detours.

Develop material lists; obtain prices, and purchase materials. Maintain accurate records of work performed, materials used, and associated costs.

Remove and replace asphalt, concrete, and landscaping. May train and have one or more assistants or technicians assigned as helpers.
Marginal Functions:

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Design, construction, installation, and maintenance of electrical and electronic systems.

Basic methods, materials, tools, equipment, and procedures used in the repair of electrical and mechanical devices.

Basic principles of electrical and electronic repair.

Electrical codes and related ordinances and regulations.

Electric motors and control systems.

Basic electronic circuitry.

Safe work practices.

VFD theory and troubleshooting.

Industrial instrumentation standards.

Process instrumentation.

Troubleshooting theory and calculation of Analog circuitry.

Input and output addressing.

Setup of VFD and control circuitry.

Troubleshooting electrical, basic electronic and fiber optic systems.

Design, construction, installation and maintenance of traffic signals and street lighting.

VFD and soft start wiring installation and troubleshooting.

Exhibit "B"
Ability to:

Perform journey level work in the trades area of electrical and electronic maintenance and repair.

Repair electrical signal, lighting, control, and alarm systems.

Understand and interpret written and oral instructions, including blueprints and wiring diagrams.

Use and care for tools and equipment used in maintaining and repairing electrical and electronic devices.

Diagnose causes of electrical malfunction.

Perform mathematical computations as required in electrical and electronic circuits.

Work under emergency and hazardous conditions.

Perform heavy manual labor, including but not limited to fifty (50) to one hundred (100) pounds of weight, climbing, bending, stooping, etc. medium/ heavy lifting up to 75 lbs.

Pass an annual physical examination.

Assist others in municipal electrical and electronic maintenance repair.

Communicate clearly and concisely, both orally and in writing.

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

Program VFDs, level controls and soft starts.

Work with High Voltage AC wiring and low voltage DC wiring.

Work with Analog circuit troubleshooting.

Learn the difference between source and supply wiring.

Integrate electrical and instrumentation.

Troubleshoot and diagnose program errors in variable frequency drives and level controls.

Exhibit "B"
Experience and Training Guidelines

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

**Experience:**

One year as an *Assistant Electrician* for the City of Modesto.

Or

Four years of experience in an electrician apprenticeship program and one year of experience as a journey-level electrician in a commercial or industrial environment including experience working with high voltage lines.

**Training:**

Equivalent to completion of the twelfth grade supplemented by additional specialized training in electrical or electronic maintenance.

**License or Certificate**

When assigned, possession of an appropriate, valid Class A or Class B Commercial California Driver’s license with appropriate endorsements, as assigned, within 60 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; travel from site to site, exposure to inclement weather conditions. Incumbents regularly work with high voltage power lines and equipment. Incumbents may work in aerial truck at heights above 40 feet, and may be exposed to dust and fumes.
Physical Conditions:

Essential and marginal functions may require maintaining physical condition necessary for walking, standing or moving for prolonged periods of time; for occasional bending, kneeling, stooping, crawling and climbing; operating motorized equipment, aerial boom and vehicles for an entire work shift. Must possess hearing sufficient to safely work in traffic and vision corrected to normal, including color vision sufficient to distinguish colored wires and indicator lights.
MODESTO CITY COUNCIL  
RESOLUTION NO. 2006-728

A RESOLUTION AMENDING EXHIBIT "A" OF RESOLUTION NO. 2006-319  
TO REVISE THE CLASS RANGE TABLE FOR GENERAL NON-SWORN  
CLASSES TO CHANGE THE SALARY RANGE FOR ELECTRICIAN TO  
SALARY RANGE 128.

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

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

SECTION 1. AMENDMENT TO RESOLUTION NO. 2006-319.  
Exhibit "A" entitled, "City of Modesto Class Range Table General Non-Sworn Classes  
Effective May 23, 2006," attached to Resolution No. 2006-319, is hereby amended as  
shown on the amended Exhibit "A" entitled, "City of Modesto Class Range Table  
General Non-Sworn Classes Effective November 28, 2006," which is attached hereto and  
made a part hereof as though set forth in full herein. Said amended Exhibit "A" changes  
the salary range for Electrician from range 126 to range 128.

SECTION 2. EFFECTIVE DATE. This resolution shall become effective  
on and after November 28, 2006.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on 28th day of November, 2006, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: 
JEAN MORRIS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
SUSANA ALCALA WOOD, City Attorney
<table>
<thead>
<tr>
<th>RANGE</th>
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<td>Custodian I</td>
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<td>103</td>
<td>Administrative Office Assistant I</td>
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<td>Drafting and Graphics Technician</td>
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<td>Animal Control Officer I</td>
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<td>Maintenance Worker II</td>
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<td>Production Technician</td>
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<td>Storeskeeper</td>
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Exhibit "A"
<table>
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<tr>
<th>RANGE</th>
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</thead>
</table>
| 115   | Accounting Technician  
                Administrative Services Technician I  
                Code Enforcement Officer I  
                Community Service Officer I  
                Customer Services Account Clerk III  
                Senior Administrative Office Assistant  
                Wastewater Treatment Plant Attendant |
| 116   | Equipment Operator  
                Fire Prevention Technician I  
                Motor Sweeper Operator  
                Traffic Operations Technician  
                Used Oil Coordinator  
                Wastewater Collection System Operator  
                Water Distribution System Operator |
| 117   | Electrical Technician II |
| 118   | Customer Services Accounting Technician  
                Fleet Procurement Specialist  
                Parking Lot Maintenance Crewleader  
                Parks Crewleader  
                Recreation Coordinator  
                Senior Storeskeeper  
                Tree Trimmer |
| 119   | Administrative Services Technician II  
                Animal Control Officer II  
                Assistant Buyer  
                Building Maintenance Mechanic  
                Civil Engineering Technician I  
                Code Enforcement Officer II  
                Community Service Officer II  
                Maintenance Mechanic – Parks  
                Maintenance Mechanic – Pumps  
                Public Information Technician  
                Wastewater Treatment Plant Operator |

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

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

Exhibit "A"
MODESTO CITY COUNCIL
RESOLUTION NO. 2006-729

A RESOLUTION AMENDING THE PUBLIC WORKS DEPARTMENT’S OPERATING BUDGET, AS ADOPTED FOR FY 06-07, TO APPROPRIATE $7,440 FROM WASTEWATER FUND BALANCE RESERVE TO ACCOUNT 6210-480-5213-0181 AND $22,336 FROM SPECIAL GAS TAX FUND BALANCE RESERVE TO ACCOUNT 0700-160-1612-0181 TO FUND EXPENSES ASSOCIATED WITH A CHANGE IN SALARY RANGE FOR (12) TWELVE ALLOCATED ELECTRICIAN POSITIONS.

WHEREAS, the City Council, under a separate action, adopted Resolution No. 2006-727 amending the Position Classification Plan of the City of Modesto to revise the job specifications for the classifications of Instrument Repair Technician and Electrician, and

WHEREAS, the City Council, under a separate action, adopted Resolution No. 2006-728 amending Exhibit “A” of Resolution No. 2006-319 to revise the Class Range Table for General Non-Sworn Classes, to change the salary range for Electrician from salary range 126 ($3,836-$4,663 mo.) to salary range 128 ($4,030-$4,899 mo.), and

WHEREAS, this change results in a 5% increase in salary for (12) twelve allocated Electrician positions within the Public Works Department, and

WHEREAS, funding for this proposed change, estimated at $29,776 for FY 06-07, will be provided through a transfer from Wastewater Fund Balance Reserve in the amount of $7,440 for Electricians assigned to the Wastewater Division and through a transfer from Special Gas Tax Fund Balance Reserve in the amount of $22,336 for Electricians assigned to the Traffic and Development Services Division,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby amends the Public Works Department’s operating budget, as adopted for FY06-07, to appropriate $7,440 from Wastewater Fund Balance Reserve to account 6210-480-5213-0181 and $22,336 from Special Gas Tax Fund Balance Reserve to account 0700-160-1612-0181 to fund expenses associated with a change in salary range for (12) twelve allocated Electrician positions.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto, held on the 28th day of November, 2006, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Ridenour

ATTEST: 

JEAN MORRIS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 

SUSANA ALCALA WOOD, City Attorney
<table>
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<tr>
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        Traffic Operations Technician  
        Used Oil Coordinator  
        Wastewater Collection System Operator  
        Water Distribution System Operator |
| 117   | Electrical Technician II |
| 118   | Customer Services Accounting Technician  
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        Maintenance Mechanic – Pumps  
        Public Information Technician  
        Wastewater Treatment Plant Operator |

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       | Laboratory Analyst I  
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       | Water Conservation Specialist |
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       | Civil Engineering Technician II  
       | Identification Technician I  
       | Maintenance Mechanic Crewleader – Parks |
| 124   | Community Development Program Specialist I  
       | Environmental Compliance Inspector I  
       | Equipment Mechanic Crewleader  
       | Laboratory Analyst II  
       | Operation and Maintenance Crewleader  
       | Planning Assistant  
       | Plant Mechanic  
       | Water Resource Specialist II |
| 125   | Crime Analyst |
| 126   | Building Inspector I  
       | Electrician  
       | Heavy Equipment Mechanic Crewleader  
       | Housing Financial Specialist  
       | Housing Rehabilitation Specialist I |

Exhibit “A”
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       | Identification Technician II  
       | Senior Fire Equipment Mechanic |
| 128   | Community Development Program Specialist II  
       | Environmental Compliance Inspector II  
       | Instrument Repair Technician  
       | Senior Wastewater Treatment Plant Operator |
| 129   | Building Inspector II  
       | Construction Inspector  
       | Housing Rehabilitation Specialist II  
       | Project Coordinator |
| 130   | Senior Civil Engineering Assistant |
| 131   | Environmental Review Specialist  
       | Senior Environmental Compliance Inspector |
| 132   | Deputy Fire Marshal  
       | Plan Review Engineer  
       | Senior Building Inspector  
       | Senior Construction Inspector |

Exhibit "A"
MODESTO CITY COUNCIL
RESOLUTION NO. 2006-730

A RESOLUTION REVISIONING THE POSITION CLASSIFICATION PLAN FOR THE CITY OF MODESTO.

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

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

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

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

SECTION 1. CLASSIFICATION AMENDED. The Position Classification Plan of the City of Modesto is hereby amended to revise the job specification for the classification of Operations and Maintenance Crewleader. The job specification for this classification is being amended to include assignment to the building services division. The job specification for the classification of Operations and Maintenance Crewleader, as shown on the attached Exhibit “A,” which is hereby made a part of this resolution by reference, is hereby approved and made part of the Position Classification Plan of the City of Modesto.

SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after November 28, 2006.
The foregoing resolution was introduced in a regular meeting of the Council of
the City of Modesto held on the 28th day of November, 2006, by Councilmember Hawn,
who moved its adoption, which motion being duly seconded by Councilmember Dunbar,
was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: Jean Morris
JEAN MORRIS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Susana Alcala Wood, City Attorney
OPERATIONS AND MAINTENANCE CREWLEADER

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

Crewleaders assign work, train, and provide field supervision of crews engaged in a variety of water, storm/wastewater, streets, and urban forestry operations, maintenance, repair and/or construction work; and to provide lead worker assistance to supervisory and/or management staff.

SUPERVISION RECEIVED AND EXERCISED

Receives supervision from supervisory and management staff.

Exercises direct field supervision over crews engaged in maintenance and repair activities.

ESSENTIAL AND MARGINAL FUNCTION STATEMENTS

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

**Essential Functions:**

Provide field supervision to crews involved in a variety of water, storm/wastewater, streets, sidewalks, and urban forestry operations, building maintenance, repair and/or construction work.

Assist in the design, planning, prioritizing, assignment, and inspection of various maintenance, repair, and construction projects.

Provide feedback to supervisory staff regarding field performance of crews for the purpose of evaluating employee performance.

Assist in developing and monitoring of the Division budget.

Participate in the selection of staff; provide or coordinate staff training; work with employees to correct deficiencies through coaching.

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

Exhibit "A"
Essential Functions: (Continued)

Participate and encourage work unit participation in team building activities including self-directed work teams.

May operate and oversee the operation of a full range of heavy and light equipment as needed such as backhoes, loaders, dump trucks, rollers, tractors, vactor trucks, aerial towers and various trucks.

May operate a mobile crane.

Maintain time, material and equipment use records; prepare various reports related to work activities including technical reports in response to regulatory activities.

Prepare project cost estimates; requisition supplies and materials.

When assigned to utility divisions, may assist in activities that ensure adherence to environmental quality standards.

Perform standby duty as assigned.

Marginal Functions:

Perform related duties as assigned.

Additional duties when assigned to Building Maintenance:

Adjust, repair, inspect, and monitor a variety of heating, ventilation, and air conditioning equipment including forced air furnaces, boilers, water pumps, chillers, air conditioning units, exhaust fans, air filters, compressors, cooling towers and heat exchangers.

Coordinate building maintenance services activities with other City departments, divisions, and sections and with outside agencies.

Monitor elevator maintenance, custodial, landscaping and other services performed in the buildings.

Monitor building automation systems, ensure the buildings meet all OSHA and ASHME air quality standards. Ensure HVAC checks are performed and records are maintained.

Exhibit "A"
Additional duties when assigned to Building Maintenance:
(Continued)

Monitor building backup generator. Conduct routine and preventative maintenance as required.

Inspect buildings, structures and equipment to ascertain need for repair and maintenance work. Plan assign, and direct the completion of routine and preventative maintenance work orders with staff.

Additional duties when assigned to Water Operations:

Operate portable sample pump.

Pack, lubricate, clean and paint pumping equipment and motors.

Flush distribution system to maintain water quality.

Maintain and operate chemical feed systems and perform dosage computations.

Install, maintain, and calibrate water meters, hypo chlorinators and on-line analyzers.

Monitor and maintain Granular Activated Carbon (GAC) filters; assist in removal and replacement of carbon, backwashes as required.

Monitor and maintain wellhead water treatment units and storage reservoirs. Perform minor adjustments as required.

Perform the function of shift operator as defined by the California Department of Health Services regulations.

Perform concrete repair including sawing, pouring, finishing and jack hammering.

QUALIFICATIONS

Knowledge of:

Materials, methods, practices, equipment and elements of construction technology as they relate to the assigned operations, construction, maintenance and repair activities.
Knowledge of: (Continued)

Types and level of maintenance and repair activities generally performed in streets, water, storm/wastewater collection, fleet, park or urban forestry program.

Principles of personnel supervision and training.

Safe work practices; regulatory safety programs and procedures.

Pertinent sections of health, safety and labor codes.

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

English composition and technical report writing.

Cost accounting.

When assigned to Building Maintenance:

Methods, practices and equipment used in building maintenance services and activities including a variety of building trades work.

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; use lead by example methodology.

Keep records and make reports.

Lead by example and train 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, and agencies and volunteer groups.

Exhibit "A"
Ability to: (Continued)

Perform medium-heavy manual labor, including but not limited to lifting and carrying up to seventy-five (75) pounds of weight, climbing, bending, stooping, etc.

Experience and Training Guidelines:

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

Experience:

Three years of increasingly responsible experience performing utility operations, construction and maintenance work in the assigned area of responsibility (such as utility infrastructure, sidewalks, building maintenance, parks, or urban forestry).

Training:

Formal or informal education that ensures the ability to read, write, and communicate at a level necessary for successful job performance.

License or Certificate:

Possession of an appropriate, valid Class A or Class B Commercial California Driver’s license with appropriate endorsements, as assigned, within 45 60 days of appointment. Failure to obtain the required license may result in release from probation or termination. Note: This license is not required when assigned to the Building Services Division.

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

When Assigned to Streets and Traffic Operations:

Any employees hired, transferred, or promoted into this position shall possess a work zone safety certificate from International Municipal Signal Association (IMSA), Traffic Control Supervisor Association (TCSA), International Transportation Engineers (ITE), American Public Works Association (APWA), or the American Traffic Safety Services Association (ATSSA) at time of final filing.

Exhibit "A"
When Assigned to Water Distribution:

Possession of a Grade III water distribution operator certificate issued by the State of California at time of final filing.

Possession of a certificate issued by the American Water Works Association (AWWA) for backflow device testing and/or Grade I Water Conservation Practitioner is highly desirable.

When Assigned to Water Division – Pumps:

Possession of a Grade III water distribution operator certificate issued by the State of California at time of final filing.

Possession of a Grade II water treatment certificate issued by the State of California at time of final filing.

Possession of a certificate issued by the American Water Works Association (AWWA) for backflow device testing and/or Grade I Water Conservation Practitioner is highly desirable.

When Assigned to Urban Forestry:

Possession of a Pesticide Applicator’s Certificate within one year of appointment.

When Assigned to Wastewater Collections:

Any employees hired, transferred, or promoted into this position shall possess a Grade II Certificate Wastewater Collection System Maintenance Technologist issued by the California Water Environment Association (CWEA) at time of final filing.

When Assigned to Building Maintenance

Possession of an Environmental Protection Agency refrigeration certificate is desirable.

WORKING CONDITIONS

Environmental Conditions:

Field environment; travel from site to site; hot and cold temperatures; inclement weather.

Exhibit "A"
Physical Conditions:

Essential and marginal functions may require maintaining physical condition necessary for walking or standing for prolonged periods of time; operating motorized equipment and vehicles.

Work Assignments:

Depending on assignment may be subject to overtime and standby work assignments.

Exhibit "A"
A RESOLUTION AUTHORIZING THE APPROPRIATION OF $54,200 FROM THE GENERAL FUND RESERVE TO THE FISCAL YEAR 2006/07 POLICE DEPARTMENT 0100-190-1902-5900 ACCOUNT FOR COMMUNICATION CENTER REPAIRS.

WHEREAS, the Communication Center Building, located at 3905 Oakdale Road, is jointly owned by Stanislaus County and the City of Modesto, and

WHEREAS, on November 22, 2005, Council approved $68,000 during the Supplemental Budget Process to appropriate for the City of Modesto share for repairs to the roof, parking lot and air conditioning system, and

WHEREAS, as of June 30, 2006, only $13,800 had been spent and $54,200 was still available, and

WHEREAS, the Police Department is requesting to move the previously approved funds from General Fund reserves to the Police Department 2006/07 operating budget so payment can be made when the projects are complete, and

WHEREAS, staff is requesting the appropriation of $54,200 which were previously approved funds that were left unspent from General Fund reserves to the Police Department FY 2006/07 operating budget so payment can be made when the Communication Center repairs are complete, and

WHEREAS, there is no net fiscal impact since the request was approved last fiscal year,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto, it hereby approves the appropriation of $54,200 from the General Fund reserves
to the Fiscal Year 2006/07 Police Department 0100-190-1902-5900 account for Communication Center Repairs.

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 28th day of November, 2006, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Ridenour

ATTEST: Jean Morris

JEAN MORRIS, City Clerk

(SEAL)

APPROVED AS TO FORM:
By: SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2006 - 732

A RESOLUTION AUTHORIZING THE PURCHASING MANAGER TO ISSUE FORMAL REQUEST FOR BIDS (RFB) FOR THE PURCHASE OF FOUR (4) HONDA ST1300P POLICE MOTORCYCLES, AS AWARDED IN THE VEHICLE IMPOUND/DUI/SELECTIVE TRAFFIC ENFORCEMENT PROGRAM (STEP) GRANT, AT AN ESTIMATED TOTAL COST OF $70,000.

WHEREAS, on October 24, 2006, by Resolution No. 2006-673, the City Council approved the acceptance of the Vehicle Impound/DUI/Selective Traffic Enforcement Program (STEP) grant in the amount of $1,000,000 from the State of California, Office of Traffic Safety (OTS), and

WHEREAS, this grant will provide for four full-time police officer positions who will be responsible for achieving the grant goals and objectives, and

WHEREAS, the grant will also fund four fully equipped police motorcycles for these officers, and

WHEREAS funds are budgeted and available in the following account for the purchase of four (4) Honda ST1300P police motorcycles for FY 06/07:

<table>
<thead>
<tr>
<th>Account</th>
<th>Amount</th>
<th>Description</th>
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<tbody>
<tr>
<td>0410-190-2968-5401</td>
<td>$70,000</td>
<td>Police Motorcycles</td>
</tr>
</tbody>
</table>

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Purchasing Manager to issue formal Request for Bids (RFB) for the purchase of four (4) Honda ST1300P police motorcycles, as awarded in the Vehicle Impound/DUI/Selective Traffic Enforcement Program (STEP) grant, at an estimated total cost of $70,000.
BE IT FURTHER RESOLVED that the City Manager, or his 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 28th day of November, 2006, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: [Signature]
JEAN MORRIS, City Clerk
(SEAL)

APPROVED AS TO FORM:

By: [Signature]
SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2006 - 733

A RESOLUTION ACCEPTING THE SANITARY SEWER LIFT STATION IMPROVEMENTS LOCATED IN THE GALAS BROTHERS SUBDIVISION IN THE FAIRVIEW VILLAGE SPECIFIC PLAN AREA AND AUTHORIZING THE CITY CLERK TO FILE A NOTICE OF COMPLETION

WHEREAS, Del Valle Homes, a California Corporation ("DEVELOPER"), is the developer of the Galas Subdivision, also known as the Rancho Encantado Subdivision ("DEVELOPMENT"), and

WHEREAS, as a condition of DEVELOPMENT, DEVELOPER was to construct a Sanitary Sewer Lift Station ("IMPROVEMENTS") located within the DEVELOPMENT, and

WHEREAS, the City Engineer, in a memorandum to staff, indicates that said IMPROVEMENTS, which is only one of several facilities included in the Acquisition and Shortfall Agreement ("AGREEMENT") between the City of Modesto Community Facilities District No. 2003-1 (Fairview Village), a District created pursuant to the provision of the California Government Code Section 53311.5 et. seq. ("DISTRICT") and the Developer, has been completed to the satisfaction of the Public Works Department, and

WHEREAS, DEVELOPER filed with the City and/or DISTRICT adequate improvement securities to secure faithful performance of this Agreement and to secure payment for labor and materials, and

WHEREAS, DEVELOPER has filed several warranty bonds to guarantee the IMPROVEMENTS in the DEVELOPMENT, and
WHEREAS, the City Engineer has indicated that it would be in order for the City Council to accept said IMPROVEMENTS in said development as complete, and authorize the City Clerk to record a Notice of Completion,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Sanitary Sewer Lift Station improvements, which include a meandering walkway, landscaping & irrigation, lighting and signage per the AGREEMENT, are hereby accepted and the City Clerk is hereby authorized to record a Notice of Completion for said improvements.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of November 2006, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Ridenour

ATTEST: Jean Morris

APPROVED AS TO FORM:

By Susana Alcala Wood, City Attorney
A RESOLUTION AMENDING THE FY 06-07 CIP BUDGET BY DECREASING THE APPROPRIATION FOR THE FAIRVIEW VILLAGE BIKE TRAIL PROJECT (X728) BY $132,717 AND CLOSING THE PROJECT, RETURNING THOSE FUNDS TO RESERVES, THEN REAPPROPRIATING $118,775 FROM FAIRVIEW VILLAGE CFD RESERVE FUNDS AND INCREASING THE APPROPRIATION TO FAIRVIEW VILLAGE WASTEWATER PROJECT (X726) BY $118,775 TO FULLY FUND THE FAIRVIEW VILLAGE WASTEWATER PROJECT

WHEREAS, on October 3, 2006, Council Resolution No. 2006-637 adopted the 2006/2007 Capital Improvement Program, and

WHEREAS, the 2006/2007 Capital Improvement Program included a project titled “Fairview Village Wastewater Project (X726),” and

WHEREAS, construction of a sanitary sewer lift station is included in the “Fairview Village Wastewater Project,” and

WHEREAS, concurrent with this resolution, by Resolution No. 2006-733 Council accepted the sanitary sewer lift station, which is the main infrastructure included in the “Fairview Village Wastewater Project (X726)” for the Galas Brothers Subdivision located within Fairview Village Specific Plan Area, and

WHEREAS, the budgeted amount for design, construction, contingency and construction administration for the Fairview Village Wastewater Project was $383,000, of which $45,683 has been expended to date, leaving $337,317 available for the sanitary sewer lift station project constructed by Del Valle, and

WHEREAS, Del Valle Homes entered into an Acquisition and Shortfall Agreement with the Fairview Village CFD for reimbursement of costs associated with the
construction of the sanitary sewer lift station (X726), the bike trail (X728) and other infrastructure, and

WHEREAS, Del Valle Homes expended $430,133 for the construction of the sanitary sewer lift station, and $367,282 for the construction of the bike trail project, and

WHEREAS, Del Valle Homes completed the Bike Trail Project (X728) for $367,282 for which they have been reimbursed, and

WHEREAS, the Bike Trail Project (X728) had a budget of $500,000, leaving $132,717 remaining in the Bike Trail Project, and

WHEREAS, Del Valle Homes has requested that money remaining in the Bike Trail Project be moved to the Wastewater Project so that they can be reimbursed in full for the costs associated with the pump station project, and

WHEREAS, staff recommends reducing the Fairview Village Bike Trail Project (X728) by $132,717 and closing the project, and moving the $132,717 back to the Fairview Village Reserve Account and appropriating the $118,775 to the Fairview Village Wastewater Project (X726) to provide adequate funding to reimburse Del Valle Homes for their costs associated with the construction of the sanitary sewer lift station,

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby approves amending the FY 06-07 CIP budget by decreasing the appropriation for the Fairview Village Bike Trail Project (X728) by $132,717 and closing the project, returning those funds to reserves, then reappropriating $118,775 from Fairview Village CFD reserve funds and increasing the appropriation to Fairview Village Wastewater Project (X726) by $118,775 to fully fund the Fairview Village Wastewater Project.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of November, 2006, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Ridenour

ATTEST: Jean Morris, City Clerk

APPROVED AS TO FORM:

By Susana Acalal Wood, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2006 - 735

A RESOLUTION ACCEPTING THE WORK BY GEORGE REED, INC., FOR
THE PROJECT TITLED “BRIGGSMORE AVENUE WIDENING, OAKDALE
ROAD TO CLAUS ROAD PROJECT”, AS COMPLETE, AUTHORIZING THE
CITY CLERK TO FILE A NOTICE OF COMPLETION, AND AUTHORIZING
PAYMENT OF AMOUNT DUE TOTALING $2,872,172.96.

WHEREAS, a report has been filed by the Public Works Director that the project
titled “Briggsmore Avenue Widening, Oakdale Road to Claus Road” has been completed by
George Reed, Inc., in accordance with the contract agreement dated June 7, 2006,

NOW, THEREFORE, BE IT RESOLVED by the Council that the “Briggsmore
Avenue Widening, Oakdale Road to Claus Road” project is hereby accepted as complete
from said contractor, George Reed, Inc., that the Notice of Completion be filed with the
Recorder of Stanislaus County, and that payment of the amount due totaling
$2,872,172.96, as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 28th day of November, 2006, by Councilmember Hawn,
who moved its adoption, which motion being duly seconded by Councilmember Dunbar,
was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: Jean Morris, City Clerk

(SEAL)

APPROVED AS TO FORM:

By

SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2006 - 736

A RESOLUTION REJECTING THE SOLE BID FOR THE PROJECT TITLED "REMODEL OF EXISTING WATER QUALITY CONTROL LABORATORY" AND AUTHORIZING STAFF TO RE-ADVERTISE THE PROJECT AT A FUTURE DATE.

WHEREAS, the sole bid received for "Remodel of Existing Water Quality Control Laboratory" was opened at 11:00 a.m. on October 31, 2006, and later tabulated by the Public Works Director for the consideration of the Council, and

WHEREAS, a sole bid by The McDonald Glenn Company was 190.0% above the engineer’s estimate, and

WHEREAS, the sole bid for the project exceeded the engineer’s estimate by an excessive amount, and

WHEREAS, the plans included the remodel of the existing laboratory at the City of Modesto Primary Wastewater Treatment Facility, and

WHEREAS, during the bid evaluation process staff determined that there was insufficient bid competition. Therefore, staff recommends the bid be rejected and staff be allowed to re-advertise the project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the sole bid received for "Remodel of Existing Water Quality Control Laboratory," opened in the office of the City Clerk on October 31, 2006, is hereby rejected.

BE IT FURTHER RESOLVED that staff is hereby authorized to re-advertise the project at a future date.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of November, 2006, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Ridenour

ATTEST: Jean Morris

JEAN MORRIS, City Clerk

APPROVED AS TO FORM:

By

SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2006-737

A RESOLUTION APPROVING THE FINAL MAP OF THOMAS TERRACE IN THE VILLAGE ONE SPECIFIC PLAN AREA OF THE CITY OF MODESTO AND AUTHORIZING THE CITY MANAGER TO EXECUTE A SUBDIVISION AGREEMENT WITH PPC, SUNRISE, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY

WHEREAS, PPC, SUNRISE, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY ("Subdivider"), is possessed of a tract of land situated in the City of Modesto, County of Stanislaus, consisting of 9.66 acres, known as THOMAS TERRACE ("SUBDIVISION"), in the Village One Specific Plan Area, and

WHEREAS, PPC, SUNRISE, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY is proposing to develop a subdivision, and

WHEREAS, a tentative map of said tract was approved by the Planning Commission of the City of Modesto on the 23rd day of January, 2006, and

WHEREAS, the Secretary of the Planning Commission of the City of Modesto and the City Engineer have certified that the final map of said tract substantially conforms to the approved tentative map, and

WHEREAS, the City Engineer of the City of Modesto has certified that the final map of said SUBDIVISION meets all of the provisions of the California Subdivision Map Act and the provisions of the Modesto Municipal Code relating to subdivisions, and that the map is technically correct,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that said final map be approved; that the dedications for public streets and easements as shown thereon within the boundaries of said tract be accepted on behalf of the public for
public use; and that the City Clerk be authorized to certify the map of said tract on behalf of the City of Modesto after the fees and deposits required by the Modesto Municipal Code in amounts determined by the City Engineer have been paid and after Subdivider has furnished securities, as set forth in Section 4-4.605 of the Modesto Municipal Code, which shall secure the obligations set forth in Section 66499.3 of the Government Code of the State of California. Said securities shall be in forms acceptable to the City Attorney and in the amounts required by the City Engineer.

BE IT FURTHER RESOLVED that the City Manager and the City Clerk be authorized to execute and attest, respectively, an agreement with PPC, Sunrise, LLC, A California Limited Liability Company as required by Section 4-4.604(c) of the Modesto Municipal Code.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of November, 2006, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Ridenour

ATTEST: Jean Morris
JEAN MORRIS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2006-738

A RESOLUTION APPROVING THE FINAL MAP OF HILLGLEN SUNRISE IN THE VILLAGE ONE SPECIFIC PLAN AREA OF THE CITY OF MODESTO AND AUTHORIZING THE CITY MANAGER TO EXECUTE A SUBDIVISION AGREEMENT WITH PPC, SUNRISE, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY

WHEREAS, PPC, SUNRISE, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY ("Subdivider"), is possessed of a tract of land situated in the City of Modesto, County of Stanislaus, consisting of 9.66 acres, known as HILLGLEN SUNRISE ("SUBDIVISION"), in the Village One Specific Plan Area, and

WHEREAS, PPC, SUNRISE, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY is proposing to develop a subdivision, and

WHEREAS, a tentative map of said tract was approved by the Planning Commission of the City of Modesto on the 5th day of June, 2006, and

WHEREAS, the Secretary of the Planning Commission of the City of Modesto and the City Engineer have certified that the final map of said tract substantially conforms to the approved tentative map, and

WHEREAS, the City Engineer of the City of Modesto has certified that the final map of said SUBDIVISION meets all of the provisions of the California Subdivision Map Act and the provisions of the Modesto Municipal Code relating to subdivisions, and that the map is technically correct,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that said final map be approved; that the dedications for public streets and easements as shown thereon within the boundaries of said tract be accepted on behalf of the public for
public use; and that the City Clerk be authorized to certify the map of said tract on behalf of the City of Modesto after the fees and deposits required by the Modesto Municipal Code in amounts determined by the City Engineer have been paid and after Subdivider has furnished securities, as set forth in Section 4-4.605 of the Modesto Municipal Code, which shall secure the obligations set forth in Section 66499.3 of the Government Code of the State of California. Said securities shall be in forms acceptable to the City Attorney and in the amounts required by the City Engineer.

BE IT FURTHER RESOLVED that the City Manager and the City Clerk be authorized to execute and attest, respectively, an agreement with PPC, Sunrise, LLC, A California Limited Liability Company as required by Section 4-4.604(c) of the Modesto Municipal Code.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of November, 2006, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Ridenour

ATTEST: Jean Morris

JEAN MORRIS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By

SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL  
RESOLUTION NO. 2006 - 739  

A RESOLUTION APPROVING THE FINAL MAP OF BURKSHIRE ESTATES PHASE II IN THE VILLAGE ONE SPECIFIC PLAN AREA OF THE CITY OF MODESTO AND AUTHORIZING THE CITY MANAGER TO EXECUTE A SUBDIVISION AGREEMENT WITH STANDARD PACIFIC CORP., A DELAWARE CORPORATION  

WHEREAS, STANDARD PACIFIC CORP., A DELAWARE CORPORATION ("Subdivider"), is possessed of a tract of land situated in the City of Modesto, County of Stanislaus, consisting of 9.32 acres, known as BURKSHIRE ESTATES PHASE II ("SUBDIVISION"), in the Village One Specific Plan Area, and  

WHEREAS, STANDARD PACIFIC CORP., A DELAWARE CORPORATION is proposing to develop a subdivision, and  

WHEREAS, a tentative map of said tract was approved by the Planning Commission of the City of Modesto on the 17th day of April, 2006, and  

WHEREAS, the Secretary of the Planning Commission of the City of Modesto and the City Engineer have certified that the final map of said tract substantially conforms to the approved tentative map, and  

WHEREAS, the City Engineer of the City of Modesto has certified that the final map of said SUBDIVISION meets all of the provisions of the California Subdivision Map Act and the provisions of the Modesto Municipal Code relating to subdivisions, and that the map is technically correct,  

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that said final map be approved; that the dedications for public streets and easements as shown thereon within the boundaries of said tract be accepted on behalf of the public for
public use; and that the City Clerk be authorized to certify the map of said tract on behalf of the City of Modesto after the fees and deposits required by the Modesto Municipal Code in amounts determined by the City Engineer have been paid and after Subdivider has furnished securities, as set forth in Section 4-4.605 of the Modesto Municipal Code, which shall secure the obligations set forth in Section 66499.3 of the Government Code of the State of California. Said securities shall be in forms acceptable to the City Attorney and in the amounts required by the City Engineer.

BE IT FURTHER RESOLVED that the City Manager and the City Clerk be authorized to execute and attest, respectively, an agreement with Standard Pacific Corp., a Delaware Corporation as required by Section 4-4.604(c) of the Modesto Municipal Code.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of November, 2006, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Ridenour

ATTEST: Jean Morris
JEAN MORRIS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Susana Alcala Wood, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2006 – 740

A RESOLUTION APPROVING AN AMENDMENT TO THE SERVICE AGREEMENT (SA 06040) WITH STANISLAUS COUNTY FOR INMATE SECURITY SERVICES IN THE AMOUNT OF $48,500 TO EXTEND THE EXPIRATION DATE FROM DECEMBER 31, 2006 THROUGH JUNE 30, 2007, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT TO THE SERVICE AGREEMENT.

WHEREAS, Council, by Resolution 2001-114, approved an agreement with Stanislaus County for inmate security services, and

WHEREAS, the term of this agreement was from March 1, 2006 through December 31, 2006, and

WHEREAS, the agreement provides two deputies and approximately 20 inmates to the City on a daily basis assisting the tree-pruning program, performing after-game cleanup of John Thurman Field, assisting the Police Department with homeless camp cleanups, and performing litter cleanup in the City’s right-of-way, and

WHEREAS, the City desires to continue the use of inmate labor to perform certain tasks and for the Stanislaus County Sheriff to maintain security of the inmates while assigned, and

WHEREAS, an amendment to align the current expiration date of the current agreement is being presented as a separate item to Council, and

WHEREAS, funds are budgeted in Account 0100-480-4712-0235 of the Forestry Division in the amount of $24,250 and Account 0100-350-3522-0235 in the Parks Services Division in the amount of $24,250, for a total amount of $48,500, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Amendment to the Service Agreement (SA 06040) with Stanislaus County for inmate security services in the amount of $48,500 to extend the expiration date from December 31, 2006 through June 30, 2007.
BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Amendment.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of November, 2006, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Ridenour

ATTEST: Jean Morris

JEAN MORRIS, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: Susana Alcala Wood, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2006 – 741

A RESOLUTION APPROVING A NEW SERVICE AGREEMENT (SA 06040) WITH STANISLAUS COUNTY FOR INMATE SECURITY SERVICES FOR A PERIOD OF FIVE (5) YEARS, AT A COST OF $97,000 PER YEAR, COMMENCING ON JULY 1, 2007 THROUGH JUNE 30, 2012, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE SERVICE AGREEMENT.

WHEREAS, Council, by Resolution 2001-114, approved an agreement with Stanislaus County for inmate security services, and

WHEREAS, the term of this agreement was from March 1, 2006 through December 31, 2006, and

WHEREAS, the agreement provides two deputies and approximately 20 inmates to the City on a daily basis assisting the tree-pruning program, performing after-game cleanup of John Thurman Field, assisting the Police Department with homeless camp cleanups, and performing litter cleanup in the City’s right-of-way, and

WHEREAS, the City desires to continue the use of inmate labor to perform certain tasks and for the Stanislaus County Sheriff to maintain security of the inmates while assigned, and

WHEREAS, an amendment to align the expiration date of the current agreement with fiscal year accounting is being presented as a separate item to Council, and

WHEREAS, funds are budgeted in Account 0100-480-4712-0235 of the Forestry Division in the amount of $48,500 and Account 0100-350-3522-0235 in the Parks Services Division in the amount of $48,500, for an annual cost of $97,000,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a new Service Agreement (SA 06040) with Stanislaus County for inmate security services for an additional period of five (5) years, at a cost of $97,000 per year, commencing on July 1, 2007 through June 30, 2012.
BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the new Service Agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of November, 2006, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Ridenour

ATTEST: __________________________

JEAN MORRIS, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: __________________________

SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2006-742

A RESOLUTION DENYING THE APPEAL BY BRIAN VELTHOEN ON BEHALF OF QUEST DIAGNOSTICS FOR CAPITAL FACILITIES FEES PAID IN PROTEST FOR 1008 SIXTH STREET, SUITE C

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

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

WHEREAS, the categories identified in the CFF program include a broad range of uses based on square footage to ensure that each use pays its share of the CFF based on the anticipated impacts of the development, and

WHEREAS, per the City’s CFF Policies and Procedures, it is policy for Building Inspection to calculate the fee based on the type of permit being issued and the definition of the fee that relates to that type of permit, and

WHEREAS, in 2003, the builder paid the general office rate for CFF for a 4,138 sf building located at 1008 Sixth Street, and

WHEREAS, on August 15, 2006, Velthoen and Associates on behalf of Quest Diagnostics paid in protest the incremental difference between the general and medical office CFF rate for construction of 1,267 of medical office space within building located at 1008 Sixth Street, Suite C, and

WHEREAS, on September 26, 2006, Velthoen and Associates was notified by letter from Amy Gedney, Infrastructure Financing Program Administrative Officer, that the
CFF charged for medical office is more than for general office and the difference must be collected when tenant improvements are made, and

WHEREAS, on October 26, 2006, a letter from Brian Velthoen was received on behalf of Quest Diagnostics regarding an appeal of the decision of the Infrastructure Financing Program for the CFF charged on the building located at 1008 Sixth Street, Suite C, and

WHEREAS, said appeal was set for a public hearing on November 14, 2006, at 5:30 p.m. before the City Council at its regular meeting place in the Tenth Street Place Chambers located at 1010 10th Street, Modesto, California, but was continued for hearing to November 28, 2006, at the request of Velthoen and Associates, and

WHEREAS, on November 28, 2008, said duly noticed public hearing was held and evidence, both oral and documentary, was received and considered,

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

1. The City Council has reviewed Velthoen and Associates' request on behalf of Quest Diagnostics and has determined that the incremental difference in the CFF rate between medical office and general office is appropriate.

2. Said appeal is denied as recommended because this use is deemed medical office and not general office and the incremental difference based on associated impacts is appropriate as outlined in the CFF program.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the appeal of Velthoen and Associates on behalf of Quest Diagnostics regarding modification
of Capital Facilities Fees for medical office is hereby denied and the decision of the
Infrastructure Financing Program is hereby affirmed for the reasons set forth above.

The foregoing resolution was introduced at a regular meeting of the Council of the
City of Modesto held on the 28th day of November, 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
NOES: Councilmembers: None
ABSENT: Councilmembers: Mayor Ridenour

Attest:  
JEAN MORRIS, City Clerk

APPROVED AS TO FORM:

By:  
SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2006 - 743

A RESOLUTION ACCEPTING THE AMENDED OAKDALE PARK FINAL SUBDIVISION MAP, IN THE VILLAGE ONE SPECIFIC PLAN AREA

WHEREAS, PPC OAKDALE PARK LLC, a California Limited Liability Company, are the subdividers of OAKDALE PARK SUDIVISION ("SUBDIVISION"), and

WHEREAS, PPC OAKDALE PARK LLC, a California Limited Liability Company, has filed a request to amend the final subdivision map of the Oakdale Park Subdivision to revise the lot lines common to Lot "A" and Lots 6 through 10 inclusive and resulted in the revision of the depth and square footage of all the referenced lots, and

WHEREAS, MMC4-4.1002 requires that the City Council make the following findings prior to approving an amended map:

(a) There are changes in circumstances which make any or all of the conditions of such a map no longer appropriate or necessary; and

(b) The modifications do not impose any additional burden on the present fee owner of the property; and

(c) The modifications do not alter any right, title, or interest in the real property reflected on the recorded map, and

(d) The map as modified conforms to the provisions of Government Code Section 66474.

Any such modifications for a parcel map or final map shall be set for public hearing before the City Council as provided for in Government Code Section 66451.3. The public hearing shall be confined to consideration of and action on the proposed modifications. (Added by Ord. 3120-C.S., 1, effective 4-1-99), and
WHEREAS, staff recommends that Council make the required findings based on MMC4-4.1002:

(a) There are changes in circumstances which make any or all of the conditions of such a map no longer appropriate or necessary. Due to the fact that the wall was not constructed according to the approved Final Map, the Amended Map is required to show proper ownership of the affected lots.

(b) The modifications do not impose any additional burden on the present fee owner of the property. The Amended Final Map does not impose any additional burden on the present fee owner of the property. None of the lots have been sold and the shift in the constructed wall does not impose a major change in lot square footage which are designed to city standards.

(c) The modifications do not alter any right, title, or interest in the real property reflected on the recorded map. All of the lots are owned by the same owner as on the original recorded map. The modifications do not alter any right, title, or interest in the real property reflected on the recorded map.

(d) The map as modified conforms to the provisions of Government Code Section 66474. Any such modification for a parcel map or final map shall be set for public hearing before the City Council as provided for in government Code Section 66451.3. The public hearing shall be confined to consideration of and action of the proposed modifications. (Added by Ord. 3120-C.S., 1, effective 4-1-99). Based on the findings by the City Engineer, the Amended Map conforms to the provisions of Government Code Sections as noted.
WHEREAS, a public hearing was held by the City Council at 5:30 p.m. on November 28, 2006, in Chambers, Tenth Street Place, 1010 Tenth Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered, and

WHEREAS, the City Engineer has indicated that it would be in order for the City Council to accept and approve the map for said SUBDIVISION, and authorize the City Clerk to record said amended Subdivision,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that pursuant to MMC 4-4.1005,

1. The City Council hereby makes the following findings.

2. The Amended Oakdale Park Final Subdivision Map is hereby accepted and the City Clerk is hereby authorized to record the amended SUBDIVISION.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of November, 2006, by Councilmember Marsh, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Ridenour

ATTEST: Jean Morris
JEAN MORRIS, City Clerk

APPROVED AS TO FORM:

By SUSANA ÁLCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2006 - 744

A RESOLUTION ACCEPTING PUBLIC IMPROVEMENTS IN THE OAKDALE PARK SUBDIVISION, IN THE VILLAGE ONE SPECIFIC PLAN AREA, AND AUTHORIZING THE CITY CLERK TO RECORD A NOTICE OF COMPLETION AND AUTHORIZING RELEASE OF BONDS

WHEREAS, PPC OAKDALE PARK LLC, a California Limited Liability Company, is the subdivider of OAKDALE PARK SUDIVISION (“SUBDIVISION”), and

WHEREAS, PPC OAKDALE PARK LLC, a California Limited Liability Company, has filed irrevocable subdivision bonds to secure faithful performance and payment for labor and materials in the amounts of $243,507.00 and $121,753.50, respectively, and

WHEREAS, PPC OAKDALE PARK LLC, a California Limited Liability Company, has filed a warranty bond in the amount of $24,350.70 to guarantee improvements in the SUBDIVISION, and

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

WHEREAS, the City Engineer has indicated that it would be in order for the City Council to accept the improvements in said SUBDIVISION as complete, and authorize the City Clerk to record a Notice of Completion and release the bonds upon expiration of the statutory periods,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that:
1. The public improvements in the SUBDIVISION are hereby accepted and the City Clerk is hereby authorized to record a Notice of Completion for the SUBDIVISION improvements.

2. The City Clerk is hereby authorized to release the subdivision bond for faithful performance in the amount of $243,507.00 upon recordation of the Notice of Completion.

3. The City Clerk is hereby authorized to release the subdivision bond for labor and materials in the amount of $121,753.50 sixty (60) days after the recordation of the Notice of Completion, provided no claim is made thereon.

4. The City Clerk is hereby authorized to release the warranty bond to guarantee the SUBDIVISION improvements in the amount of $24,350.70 one year and one day after the effective date of this resolution, provided no claim is made thereon.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of November, 2006, by Councilmember Dunbar, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Ridenour

ATTEST: Jean Morris

JEAN MORRIS, City Clerk

APPROVED AS TO FORM:

By Susana Alcala Wood, City Attorney
WHEREAS, a monthly financial analysis has been completed and it has been determined that certain year-end adjustments are required to the Annual Budget of the City of Modesto for the Fiscal Year 2006-2007,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that appropriations, revenues, and transfers for the 2006-2007 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 5th day of December 2006, by Councilmember O’Bryant, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following votes:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Morris, City Clerk

APPROVED AS TO FORM:

By: Susana Alcala Wood, City Attorney
Schedule A

**Parks, Recreation & Neighborhoods**

**Youth Scholarship/Leisure Bucks**

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<tr>
<td>Misc. Special Service Revenue Acct #0100-350-3801-4095</td>
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<td>To:</td>
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<td>Youth Scholarship Expense Acct #0100-350-3801-1061</td>
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**Contracted Security Services**

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<td>Professional Services Expense Acct #0100-350-3801-0235</td>
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**Public Works Department**

**Water Connection Fee Review**

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<td>Professional Services Operating Acct #6100-430-5000-0235</td>
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**Airport Office Administration**

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<tr>
<td>Salary &amp; Wages Part-Time Acct #6310-440-5412-0140</td>
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<td>$41,324</td>
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MODESTO CITY COUNCIL
RESOLUTION NO. 2006 - 746

A RESOLUTION DIRECTING STAFF TO BEGIN THE PROCESS TO SEEK DESIGNATION OF A MANDATORY TARGET AREA WITHIN THE FEDERALLY-DESIGNATED WEED AND SEED AREA.

WHEREAS, on June 1, 2005, the City of Modesto (City) and the County of Stanislaus (County) were officially, and jointly, designated as an official U.S. Department of Justice Weed and Seed Area, 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, 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, and

WHEREAS, one of the important elements of neighborhood restoration is the preservation of existing housing stock through a housing rehabilitation program, and

WHEREAS, since 1976, the City has renovated over 2000 homes through the Housing Maintenance Program, primarily through the use of mandatory target areas, and

WHEREAS, staff is recommending that a portion of the Weed and Seed area be designated as a mandatory target area since designation requires a concentrated area of housing units in need of rehabilitation, and

WHEREAS, the specific area recommended for designation as a mandatory target area is highlighted on Exhibit “A” attached hereto and incorporated herein by reference, and
WHEREAS, this area is located in Census Tract 22, in which 73.5% of the households are less than 80% of Median Area Income, and

WHEREAS, boundaries recommended for the Mandatory Target Area include the east side of Roselawn Avenue continuing to Colorado Street, which includes 21 parcels with 75 housing units, and

WHEREAS, the Citizens Housing and Community Development Committee met on November 9, 2006, and supported staff's recommendation to begin the process to seek designation of a Mandatory Target Area within the Federally-designated Weed and Seed Area,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby directs staff to begin the process to seek designation of a Mandatory Target Area within the Federally-designated Weed and Seed Area including assessing the housing stock in the designated area, conducting public meetings to inform citizens and homeowners of the program and returning to the City Council with a further recommendation regarding the Mandatory Target Area designation.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of December, 2006, by Councilmember O'Bryant, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney

Attest: JEAN MORRIS, City Clerk
Proposed Target Area Within The Weed And Seed Area
MODESTO CITY COUNCIL
RESOLUTION NO. 2006 - 747

A RESOLUTION DIRECTING STAFF TO PREPARE AND FILE A HUD APPLICATION SEEKING A NEIGHBORHOOD REVITALIZATION STRATEGY (NRS) DESIGNATION IN THE AIRPORT NEIGHBORHOOD AND AMENDING THE CONSOLIDATION PLAN TO REFLECT THE NRS.

WHEREAS, as a HUD designated entitlement area, the City of Modesto receives an annual allocation of Community Development Block Grant (CDBG) and HOME Investment Partnership (HOME) funding, and

WHEREAS, funds received from the CDBG and HOME programs must be used to revitalize low-income neighborhoods, assist disadvantaged populations by providing adequate public facilities and services, generate affordable housing opportunities, and implement effective strategies to significantly reduce or end homelessness, and

WHEREAS, in recent years HUD’s Office of Community Planning and Development (CPD) has stressed a coordinated marshalling of resources to facilitate local communities’ ability to engage in comprehensive community revitalization, and

WHEREAS, to that end, HUD has determined criteria for approving an Entitlement Community’s Neighborhood Revitalization Strategy (NRS) that are comprised of: a defined and recognized neighborhood boundary; a neighborhood that is primarily residential and contains an “upper quartile percentage” exceeding 51% of low and moderate income households; an explanation of consultation with neighborhood stakeholders; an assessment of the economic conditions of the neighborhood; a neighborhood-based economic development strategy; and identified performance measures from HUD Activities linked to resources available in the jurisdiction, and
WHEREAS, City staff has identified an area in the Airport Neighborhood that meets these criteria, and would like to submit an application for a NRS Designation to the Department of Housing and Urban Development, and

WHEREAS, the Airport Neighborhood area recommended for designation consists of 386 parcels of land and approximately 461 housing units, located in Census Tract 21.00 Block 3 with seventy-six percent of the households in the area reported as low-income, and

WHEREAS, based on the information collected, staff is recommending that the City file an application for Neighborhood Revitalization Strategy designation in the Airport Neighborhood including, but not limited to, the following components: Housing Rehabilitation Programs implemented in phased approach with consideration of a mandatory target area; Economic Development Technical Assistance to businesses that are currently located in or are new to the Airport Neighborhood; Supportive Public Services funded through CDBG funding targeted in upcoming entitlements; and supporting a small community room to facilitate neighborhood based services, and

WHEREAS, the Citizens Housing and Economic Development Committee met on November 9, 2006 and supported the recommendation for the City Council to direct staff to prepare and file a HUD application seeking a Neighborhood Revitalization Strategy (NRS) Designation in the Airport Neighborhood and to amend the Consolidation Plan to reflect the NRS,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby directs staff to prepare and file a HUD application
seeking a Neighborhood Revitalization Strategy (NRS) Designation in the Airport Neighborhood and to amend the Consolidation Plan to reflect the NRS.

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: Jean Morris
JEAN MORRIS, City Clerk

APPROVED AS TO FORM:

By: Susana Alcala Wood, City Attorney
Airport Neighborhood Proposed NRS Areas 1-5