A RESOLUTION ACCEPTING A GRANT ENTITLED “SURVIVE THE NIGHT” FROM THE STATE OFFICE OF TRAFFIC SAFETY FOR INCREASING DUI ENFORCEMENT, EDUCATION AND DECREASING DUI INVOLVED COLLISIONS AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE NECESSARY GRANT DOCUMENTS

WHEREAS, the Modesto Police Department has made application to the State Office of Traffic Safety for a DUI and traffic safety program to reduce alcohol involved collisions, their injuries and fatalities, in the City of Modesto, by conducting DUI checkpoints, intensive saturation DUI patrols, increasing DUI arrests, targeting of multiple-DUI offenders, training, and providing community public information and education by adding two new City of Modesto DUI Traffic Officers to the City of Modesto Police Department Traffic Unit.

WHEREAS, these officers will conduct DUI checkpoints, saturation patrols, stakeouts, court sting operations, warrant service operations targeting multiple DUI offenders who fail to appear in court and violate probation, in addition to providing special community outreach for training, education and public information, and

WHEREAS, the officers will also conduct “Every 15 Minutes” and high school assembly programs. Alcohol involved collisions, their injuries and fatalities are projected to decrease from 20 to 40 percent, and

WHEREAS, the City of Modesto’s most pressing traffic collision problems are:

- Fatal and injury collisions
- Nighttime collisions and,
- Had-been drinking drivers, ages 21 – 34, and
WHEREAS, speed related collisions and alcohol-involved collisions are also of great concern, and

WHEREAS, there was a ten percent increase in collisions in 2002, as compared to 2000; speed related collisions increased seven percent in 2002, as compared to 2000; in 2003, DUI arrests increased 82 percent but DUI involved collisions decreased only three percent.

WHEREAS, the monies provided in this grant will provide for two new traffic officers to work, full time on this program, and

WHEREAS, there is no required City match for this program for this fiscal year and all costs are paid for by funds from the State, and

WHEREAS, the City match for this program will be $87,177 (fifty percent of the salaries, benefits and budgeted overtime of the two grant Traffic Officers in the second year of the grant). The City’s required match is as follows, by City fiscal year:

<table>
<thead>
<tr>
<th>Year</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>2004/05</td>
<td>No costs for the grant program</td>
</tr>
<tr>
<td>2005/06</td>
<td>$65,383</td>
</tr>
<tr>
<td>2006/07</td>
<td>$21,794</td>
</tr>
</tbody>
</table>

WHEREAS, at its meeting of September 8, 2004 the Safety and Communities Committee unanimously recommended acceptance of this program,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the “Survive the Night” grant in the amount of $263,510 from the State Office of Traffic Safety, and

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized, to execute the grant contract with OTS, including any extensions or amendments thereof and any subsequent contract with the State in relation thereto.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of September 2004, by Councilmember Jackman, 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: Hawn, Jackman, Keating, Marsh, O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunbar

ATTEST: 

JEAN ZAHN, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2004 - 502

A RESOLUTION AMENDING THE 2004/2005 ANNUAL BUDGET TO
ESTIMATE REVENUE AND APPROPRIATE FUNDS FOR THE TRAFFIC
SAFETY PROGRAM – “SURVIVE THE NIGHT” – MODESTO’S DUI AND
TRAFFIC ENFORCEMENT GRANT PROGRAM

WHEREAS, the Modesto Police Department has made application to the State
Office of Traffic Safety for a DUI and traffic safety program to reduce alcohol involved
collisions, their injuries and fatalities, in the City of Modesto, by conducting DUI
checkpoints, intensive saturation DUI patrols, increasing DUI arrests, targeting of
multiple-DUI offenders, training, and providing community public information and
education by adding two new City of Modesto DUI Traffic Officers to the City of
Modesto Police Department Traffic Unit, and

WHEREAS, acceptance of the grant will provide for two new traffic officers to
work full time on this program, and

WHEREAS, the project cost is $350,687 for the 24 months of the project’s
duration from October 1, 2004 to September 30, 2006 and,

WHEREAS, the State Office of Traffic Safety will fund $263,51 for the 24 month
project and the City of Modesto must match $87,177 (fifty percent of the salaries,
benefits and budgeted overtime of the two grant Traffic Officers in the second year of the
grant project), and

WHEREAS, the City’s required match is as follows, by City fiscal year:

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Match Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>2004/05</td>
<td>No costs for the grant program</td>
</tr>
<tr>
<td>2005/06</td>
<td>$65,383</td>
</tr>
<tr>
<td>2006/07</td>
<td>$21,794, and</td>
</tr>
</tbody>
</table>

WHEREAS, at its meeting of September 8, 2004, the Safety and Communities
Committee unanimously recommended acceptance of this grant program,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 2004/2005 Annual Budget is hereby amended to recognize additional revenue of $130,451 to State Grant Revenue, 0410-190-2967-3490 and that budget accounts be amended as follows:

<table>
<thead>
<tr>
<th>Account Number</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>0410-190-2967-0110</td>
<td>Salaries</td>
<td>$86,825</td>
</tr>
<tr>
<td>0410-190-2967-188</td>
<td>Benefits</td>
<td>33,862</td>
</tr>
<tr>
<td>0410-190-2967-0130</td>
<td>Overtime</td>
<td>7,514</td>
</tr>
<tr>
<td>0410-190-2967-0207</td>
<td>Conference</td>
<td>1,200</td>
</tr>
<tr>
<td>0410-190-2967-0207</td>
<td>Printing</td>
<td>1,050</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>Total</strong></td>
<td><strong>$130,451</strong></td>
</tr>
</tbody>
</table>

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of September 2004, by Councilmember Jackman, 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: Hawn, Jackman, Keating, Marsh, O’Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunbar

ATTEST: JEAN ZAHRI, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: MICHAEL D. MILICH, City Attorney

9/28/2004/Police/ Tognolini/Item 22  2  2004 - 502
MODESTO CITY COUNCIL
RESOLUTION NO. 2004-503

A RESOLUTION AUTHORIZING THE PURCHASE OF THIRTEEN TOTAL USED VEHICLES AT AUCTION- FOUR POLICE SEDANS FOR POLICE PERSONNEL ASSIGNED TO THE GANG INTELLIGENCE TASK FORCE AND FOR POOLING IN THE INVESTIGATIVE SERVICE DIVISION AND NINE COMPACT CARS FOR AREA OFFICE PERSONNEL, VOLUNTEERS, POLICE ASSISTANTS, POLICE CLERK SUPERVISORS, AN ADMINISTRATIVE ANALYST AND THE POLICE FACILITIES COORDINATOR FOR A TOTAL ESTIMATED COST OF $152,000

WHEREAS, the Police Department is in need of four new police sedans, three for the Sergeant and two investigators in the newly formed Gang Intelligence Task Force and one for the Investigative Services Division for service as a pooled vehicle among a Detective Trainee, a special investigator and the CSO in the Pawn Detail, and

WHEREAS, the Police Department currently does not have vehicles for the personnel in these special assignments, and

WHEREAS, the Police Department is also in need of nine compact cars to replace eight held-over police patrol vehicles and a pick-up truck for area office personnel, volunteers, police assistants, police clerk supervisors, an administrative analyst and the police facilities coordinator, and

WHEREAS, these Police personnel currently utilize eight held-over police patrol vehicles and a pick-up truck that have a cost of $300 per month in vehicle maintenance, and

WHEREAS, both the maintenance and replacement costs for these compact cars will be $300 per month, and

WHEREAS, the Fleet Services Fund has available $152,000 for this purchase due to police vehicle maintenance savings in that fund, and
WHEREAS, the Finance Department will make the purchase of these vehicles according to all established City of Modesto purchasing dictates at auction,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the purchase of four police sedans at auction and nine compact cars at an estimated cost not to exceed $152,000.

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 28th day of September 2004, by Councilmember Jackman, 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: Hawn, Jackman, Keating, Marsh, O’Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunbar

ATTEST: JEAN ZAHN, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NUMBER 2004-504

A RESOLUTION AMENDING THE FISCAL YEAR 2004/05 BUDGET TO TRANSFER FUNDS FROM FLEET SERVICE REPLACEMENT TO ADDITIONAL POLICE VEHICLES FOR THE PURCHASE OF FOUR POLICE SEDANS AND NINE REPLACEMENT COMPACT CARS

WHEREAS, the Police Department is in need of four new police sedans, three for the Sergeant and two investigators in the newly formed Gang Intelligence Task Force and one for the Investigative Services Division for service as a pooled vehicle among a Detective Trainee, a special investigator and the CSO in the Pawn Detail, and

WHEREAS, the Police Department is in need of nine compact cars to replace eight held-over police patrol vehicles and a pick-up truck for area office personnel, volunteers, police assistants, police clerk supervisors, an administrative analyst and the police facilities coordinator, and

WHEREAS, the Fleet Services Fund has available $152,000 for these purchases due to police vehicle maintenance savings in that fund, and

WHEREAS, the Finance Department will make these vehicle purchases according to all established City of Modesto purchasing dictates at auction.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 2004/05 Annual Budget is hereby amended as indicated below:

Appropriate:
To: 7210-480-5814-XXXX $152,000 Additional Police Vehicles

Revenue:
From: 7210-800-8000-8003 $152,000 Fleet Service Replacement
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 28th day of September, 2004, by Councilmember Jackman, 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: Hawn, Jackman, Keating, Marsh, O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunbar

ATTEST: Jean Zahr

JEAN ZAHN, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2004-505

A RESOLUTION APPROVING A POSITION ALLOCATION CHANGE IN THE
PUBLIC WORKS DEPARTMENT FOR FISCAL YEAR 2004-2005 TO INCLUDE
ONE LIMITED-TERM SENIOR CIVIL ENGINEER FOR A PERIOD NOT TO
EXCEED THREE YEARS.

WHEREAS, the City has made a commitment to Kaiser Permanente to expedite
permit and other approvals necessary to build a new facility in Modesto, and

WHEREAS, to fulfill that commitment will require the dedicated resources of one
full-time staff person, and

WHEREAS, present staffing and workload levels do not permit existing staff to
devote sufficient attention to this project, and

WHEREAS, by an agenda report dated September 17, 2004, City staff sets forth
the need for this position allocation change, and

WHEREAS, the Finance Committee will consider this item at its September 27,
2004, meeting,

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of
Modesto, that the following position change is hereby approved in the Public Works
Department: Addition of one (1) limited-term Senior Civil Engineer in the Development
Services Division (organization 4213) for a period not to exceed three years.

BE IT FURTHER RESOLVED that City staff is hereby authorized to make
the necessary position changes in coordination with the Personnel Department.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto, held on the 28th day of September, 2004, by Councilmember Jackman, 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: Hawn, Jackman, Keating, Marsh, O’Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunbar

Attest: ____________________________
JEAN ZAHN, City Clerk

APPROVED AS TO FORM:

By: ________________________________
MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2004-506

A RESOLUTION APPROVING THE REVISED MASTER PLAN, COST ESTIMATE AND PROJECT SCHEDULE FOR THE NEIGHBORHOOD CENTER AT MARSHALL PARK PROJECT AND APPROVING AN AMENDMENT TO THE ARCHITECTURAL SERVICE CONTRACT WITH WLC ARCHITECTS TO INCREASE THE FEE FROM $243,840 TO $261,040, WITH AN ADDITIONAL $5,000 CONTINGENCY.

WHEREAS, three City departments desire to develop a joint service facility at the southwest corner of Sutter and Chicago Avenues, on the existing Marshall Park site, and

WHEREAS, WLC Architects of Folsom, California was selected to provide architectural services for the project and a professional services agreement was approved by the City Council on March 6, 2002; the architectural services agreement included a fee of $197,500 and included construction management for phase I, fire station only, and

WHEREAS, the Master Plan, Design Development Report, Environmental Document and an Amendment to the architectural services contract with WLC Architects (for additional construction management and civil engineering) were approved by Council on March 23, 2004, and

WHEREAS, the approved Master Plan shows an 8,500 square foot fire station, which includes an extra third parking bay for the Police mobile command unit, and a 4,075 square foot police and recreation office, and

WHEREAS, the total budget for the project in March 2004, was $3,344,500 and included the (amended) architect’s fee of $243,840, as well as staff administrative costs, construction inspection and contingencies, and
WHEREAS, the majority of the project funding was to be accomplished via HUD Section 108 Loan Funds, with a $166,000 contribution from a CDBG Jobs Housing Balance Grant, and

WHEREAS, since March 2004, the construction estimate has risen from approximately $210 per square foot to approximately $320 per square foot, due in most part to significant spikes in materials costs, and

WHEREAS, due to unanticipated dramatic cost increases within the building industry for materials and labor, staff has requested that the architect reduce the size and complexity of the proposed joint services facility, with savings anticipated to be approximately $630,000, and

WHEREAS, the revised Master Plan shows a 7,750 square foot fire station and a 3,452 square foot police and recreation office, and

WHEREAS, in order to complete the revised Master Plan, Cost Estimate and Project Schedule for the Neighborhood Center at Marshall Park project, an amendment to the architectural service contract with WLC Architects to increase the fee from $243,840 to $261,040, with an additional $5,000 contingency is necessary, and

WHEREAS, the Safety and Communities Committee met on September 8, 2004, and supported the recommendation to approve the revised Master Plan, Cost Estimate and Project Schedule for the Neighborhood Center at Marshall Park project and approve an amendment to the architectural service contract with WLC Architects to increase the fee from $243,840 to $261,040, with an additional $5,000 contingency,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves the revised Master Plan, Cost Estimate and Project...
Schedule for the Neighborhood Center at Marshall Park project and approves an amendment to the architectural service contract with WLC Architects to increase the fee from $243,840 to $261,040, with an additional $5,000 contingency.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the amendment to 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 September, 2004, by Councilmember Marsh, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunbar

Attest: ____________________________
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: ______________________________
MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2004-507

A RESOLUTION DENYING THE APPEAL OF MICHAEL AND MICHELLE MAHER TO A PLANNING COMMISSION DECISION APPROVING THE JOHNSTON ESTATES VESTING TENTATIVE SUBDIVISION MAP

WHEREAS, Modesto Municipal Code Section 4-4.404 authorizes the Planning Commission to take action on proposed subdivision maps, and

WHEREAS, on June 2, 2004, Richard W. Johnston and Randy S. Johnston submitted an application for a vesting tentative subdivision map entitled Johnston Estates, and

WHEREAS, the Planning Commission considered the application at its regularly scheduled meeting on August 16, 2004, in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered, and

WHEREAS, the Planning Commission approved the vesting tentative subdivision map entitled Johnston Estates, because the proposed subdivision map, together with the provisions for design and improvements, was deemed consistent with the Modesto Urban Area General Plan, the City of Modesto Municipal Code and State of California Subdivision Map Act, and

WHEREAS, an appeal to the Planning Commission’s approval of the Johnston Estates vesting tentative subdivision map was filed with the Office of the City Clerk by Michael and Michelle Maher, on August 31, 2004, and

WHEREAS, said appeal was set for a duly noticed public hearing before the City Council at its regular meeting place located in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, at 5:30 p.m. on September 28, 2004, at which
time said public hearing was held and evidence both oral and documentary was received and considered, and

WHEREAS, after said public hearing the Council found and determined that said appeal to the decision of the Planning Commission should be denied and the decision of the Planning Commission should be affirmed for the following reason:

The proposed vesting tentative subdivision map entitled Johnston Estates, together with the provisions for its design and improvements, is consistent with the Modesto Urban Area General Plan, the City of Modesto Municipal Code, and the State of California Subdivision Map Act.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the appeal of Michael and Michelle Maher to the decision of the Planning Commission approving the Johnston Estates vesting tentative subdivision map is denied and the decision of the Planning Commission is hereby affirmed for the reason set forth in Planning Commission Resolution No. 2004-44 and quoted above.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of September, 2004, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Marsh

ATTEST: Jean Zahra, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Michael D. Milich, City Attorney

09/28/04/C&ED/D DeLaO/Item 2
A RESOLUTION APPROVING A PUBLIC IMPROVEMENT AGREEMENT BETWEEN THE CITY OF MODESTO AND FLYING RHINO DEVELOPMENT AND THE FRUITYARD, INC. REGARDING PROPOSED DEVELOPMENT AT THE NORTHWEST CORNER OF CARPENTER ROAD AND PARADISE ROAD AND AUTHORIZING THE ACTING CITY MANAGER TO EXECUTE THE AGREEMENT.

WHEREAS, Flying Rhino Development and The Fruityard, Inc. ("Applicants") desire to develop a commercial project at the intersection of Carpenter Road and Paradise Road, property which currently is within the County of Stanislaus and within the City of Modesto's Sphere of Influence, and

WHEREAS, the Stanislaus County General Plan provides that development applications within the City’s Sphere of Influence be referred to the City, and

WHEREAS, the Applicants have requested that the City provide support for the proposed project to the County in its consideration of the project, and

WHEREAS, on September 13, 2004, the Economic Development Committee of the City Council met and considered a Public Improvement Agreement as a mechanism to provide for the project to be developed consistent with City policies and standards, and recommended this item be forwarded to the full Council for approval, and

WHEREAS, after discussion the Council determined that the Public Improvement Agreement will provide for the project to be developed consistent with City policies and standards,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Public Improvement Agreement is hereby approved.
BE IT FURTHER RESOLVED that the Acting City Manager or his designee, is hereby authorized to execute said Agreement upon satisfaction of the required provisions.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of September, 2004, by Councilmember Jackman, 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: Hawn, Jackman, Keating, Marsh, O’Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunbar

ATTEST: 

JEAN ZAHR City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 

MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2004-509

A RESOLUTION APPROVING THE CITY CLERK AND AUDITOR'S STATUS REPORT ON THE 2003-04 AUDIT PLAN AND ADOPTING THE PROPOSED 2004-05 AUDIT PLAN.

WHEREAS, the City of Modesto Municipal Code, Section 2-3.302, describes the purposes and functions of the Office of the City Clerk and Auditor, and

WHEREAS, said section of the Municipal Code directs that certain performance audits, special audits and investigations, and, financial related audits be performed upon assignment of the City Council, after recommendation by the Audit Committee, and

WHEREAS, the Audit Committee received the status report on the 2003-04 Audit Plan and the proposed 2004-05 Audit Plan on September 27, 2004, and recommended that the Council approve the status report on the 2003-04 Audit Plan, and adopt the proposed 2004-05 Audit Plan,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the City Clerk and Auditor's status report on the 2003-04 Audit Plan.

BE IT FURTHER RESOLVED that the Council hereby adopts the proposed 2004-05 Audit Plan.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5\textsuperscript{th} day of October, 2004, by Councilmember Jackman, 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:

\textbf{AYES:} Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh, O'Bryant, Mayor Ridenour

\textbf{NOES:} Councilmembers: None

\textbf{ABSENT:} Councilmembers: None

\textbf{ATTEST:} \underline{Jean Zahr}, City Clerk

\textbf{APPROVED AS TO FORM:} \\
\textbf{BY:} \underline{Michael D. Milich}, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2004-510

A RESOLUTION ADOPTING THE CITY OF MODESTO SPECIFIC PLAN PROCEDURES AND PREPARATION GUIDE

WHEREAS, the Modesto Urban Area General Plan (Section III.D.1.e) mandates the development of new growth areas within a Comprehensive Planning District (CPD) to occur through adoption of a comprehensive plan which is interpreted to mean a specific plan in accordance with Section 65450 of the Government Code, and

WHEREAS, specific plans also may serve to guide the development of infill and redevelopment areas within the City’s Baseline Developed Area and the Redevelopment Area, and

WHEREAS, Government Code Section 65450 et. seq. permits cities and counties to adopt specific plans for the systematic implementation of the General Plan for all or part of the area covered by the General Plan, and

WHEREAS, a specific plan is a comprehensive planning document setting forth broad policy concepts as well as detailed direction to every facet of development from the type, location and intensity of uses to the design and capacity of infrastructure, and the resources used to finance public improvements to the design guidelines of a subdivision and other development projects, and

WHEREAS a Specific Plan Procedures and Preparation Guide was prepared to outline and discuss procedures for the initiation, preparation, review and implementation of specific plans within the City of Modesto, and
WHEREAS, on August 2, 2004, in the Tenth Street Place Chambers located at 1010 10th Street, Modesto, California, the Planning Commission recommended by its Resolution No. 2004-41, that the City Council adopt the City of Modesto Specific Plan Procedures and Preparation Guide, and

WHEREAS, on September 13, 2004, the Economic Development Committee of the City Council met to discuss the Specific Plan Procedures and Preparation Guide and referred the matter to the City Council for review and consideration, and

WHEREAS, on October 5, 2004, the City Council considered the City of Modesto Specific Plan Procedures and Preparation Guide, and

WHEREAS, the Specific Plan Procedures and Preparation guide is “not a project” in accordance with Section 15378(b)(2) of CEQA Guidelines/Section 21084 of the Public Resources Code, and no new environmental review is required,

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

1. The proposed Specific Plan Procedures and Preparation Guide is consistent with the General Plan, because it provides clear direction to those involved in specific plan preparation for proper implementation of State law and the Modesto Urban Area General Plan.

2. The Specific Plan Procedures and Preparation Guide is “not a project” in accordance with Section 15378(b)(2) of CEQA Guidelines/Section 21084 of the Public Resources Code, and therefore, no new environmental review is required.
BE IT FURTHER RESOLVED by the Council of the City of Modesto they hereby adopt the City of Modesto Specific Plan Procedures and Preparation Guide as described in Exhibit "A," attached hereto and incorporated herein by reference.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of October, 2004, by Councilmember Marsh, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: ____________________________
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: ________________________________
MICHAEL D. MILICH, City Attorney
Specific Plan Procedures and Preparation Guide

Table of Contents

Part I  Specific Plan Procedures  2
1. Initial Consultation  2
2. Pre-Application Meeting  2
3. Submittal of Administrative Draft Specific Plan  3
4. Review of Administrative Draft Specific Plan  3
5. EIR – CEQA Environmental Review  4
6. Selection of Environmental Consultant  4
7. Initial Study/Notice of Preparation (IS/NOP)  5
8. Submittal of the Draft Specific Plan and Technical Studies  5
9. Draft EIR  5
11. Final EIR, Mitigation Monitoring Plan and Findings for Certification  6
13. Planning Commission Hearing  7
14. City Council Hearing  7
15. Notice of Determination (NOD)  7
16. Specific Plan Implementation  7
17. Specific Plan Administration  8
18. Finance Plan  8
Part II
Specific Plan Preparation

1. Form and Content
   - Introductory Section
   - Summary (Chapter I)
   - Introduction (Chapter II)
   - Specific Plan Elements (Chapter III)
   - Development Standards (Chapter IV)
   - Design Guidelines (Chapter V)
   - Community Services and Utilities (Chapter VI)
   - Parks and Recreation (Chapter VII)
   - Environmental Resources (Chapter VIII)
   - Implementation (Chapter IX)
   - Plan Administration (Chapter X)
   - Appendices

2. Environmental Review of Plan Area Development Projects
   - Specific Plan EIR

Part III
Implementation Measures and Documents

Appendix – Detailed Facilities Master Plan Requirements
Purpose:

The purpose of the Specific Plan Procedures & Preparation Guide is to outline and discuss procedures for the initiation, preparation, review and implementation of specific plans within the City of Modesto. This procedures and preparation guide consists of three parts:

• Part I describes the review process and anticipated timeline for specific plans from submittal to approval.
• Part II describes the form and content and organization of a specific plan for submittal purposes.
• Part III describes measures and documents required to facilitate development of the specific plan.

Background:

The specific plan process enacted by state law (California Government Code 65450 et seq.) provides a powerful tool to comprehensively plan for the implementation of a jurisdiction’s General Plan. Modesto’s General Plan mandates the development of new growth areas through adoption of a “comprehensive plan” which is usually interpreted to mean a Specific Plan in accordance with Section 65450 of the Government Code. The specific plan also provides a powerful tool for planning the development of infill and redevelopment areas.

Intent:

The specific plan is a major planning document used to guide development policy in the City of Modesto. It is the intent of the City that specific plans be utilized to implement the goals and policies of the General Plan and that the specific plan process not be used to circumvent the general plan process by creation of policies and standards that do not achieve general plan goals.

The preparation of specific plans will be a collaborative effort on the part of the project applicant and the City. Input shall also be obtained through the public process from community members and property owners and responsible agencies. Based on this input, the City and project applicant should strive to create a plan that conforms to community-wide planning goals. A sense of partnership exists because while the applicant may prepare the document, the City must eventually administer it.
Specific Plans are the primary planning document for development of the General Plan and are typically prepared in conjunction with other related entitlements required for development. The attached Specific Plan Process flow diagram also shows the related entitlement documents required to facilitate development of a Specific Plan and their basic relationship to the process.

PART I
SPECIFIC PLAN PROCEDURES

The following outlines key steps of the review process for a Specific Plan:

1. Initial Consultation

   Project initiation - as part of briefing the applicant on the City's overall entitlement process, the first step is to communicate the purpose of preparing a specific plan, then define the proposed project, outline the potential issues and concerns to be addressed in the specific plan and describe the required components of the Specific Plan (Part II of this guide). The process begins with a review of the general plan context and identification of the issues that are relevant to the specific plan area as well as opportunities to achieve General Plan goals. This meeting sets the stage for preparation of the concept land plan and step 2. The initial consultation should cover the following items:

   - Define relevant General Plan policies/standards
   - Define the project area
   - Define project goals
   - Identify reasons for preparing the specific plan
   - Identify issues of local concern, e.g. infrastructure/services availability, land use or traffic.
   - Define project opportunities and constraints
   - Describe the CEQA environmental review process and consultant selection
   - Property owner representative participation
     - Potential work program (rough timelines, responsibilities of staff/consultants/applicant)
     - List of generalized processing fees/costs
     - Determine who prepares the specific plan (consultant hired by applicant or City)

2. Pre-Application Meeting

   A pre-application meeting is required to ensure the components outlined in Government Code Section 65451 and the topics outlined in the Specific Plan Model Format contained in Section II of the Guide, are included in the Draft Specific Plan Document. It is also to inform the applicant of any special concerns to be addressed by the plan pursuant to Government Code Section 65452. Important infrastructure, environmental or other issues to be addressed by the Plan should be defined, as special studies may be needed. The meeting also should result in a draft work schedule that includes deadlines that are applicable to all parties. The consulting firms, including special studies should be identified at this step (see EIR section for consultant selection process).
A fee determined by the Community & Economic Development Director, will be charged to provide for staff time with the pre application process. The pre-application meeting should cover the following items:

**Minimum Requirements:**
- Draft Land Plan/Concept Plan designating land use by area
- Land use table describing development intensities, unit count
- Preliminary infrastructure concept plan
- List of property owners supporting proposal
- Proposed method of financing infrastructure
- Outline of Draft Specific Plan (Table of Contents per Part II of guide)
- Identify Special Studies needed
- Outline CEQA Review issues, and the process (EIR etc.)
- Defined work program (timelines, staff/consultant/applicant/public process)
- Consultant(s) determined
- List of fees/costs

3. **Submittal of Administrative Draft Specific Plan**

The specific plan review process will commence upon submittal of a complete specific plan and related studies, applications (i.e. Uniform Application, Specific Plan Checklist & Notice of Intent/Environmental Assessment), and required fees. The following outlines submittal requirements and related process:

- Submittal of Uniform Application & Notice of Intent Environmental Application
- Specific Plan Application is checked by C&ED Staff for completeness
- Plan must meet Requirements of Section 65450 of State Law, and Specific Plan Guidelines (see Part II of this Guide), and General Plan Goals and Policies.
- Include additional submittals or special studies
- Submit required Fees

4. **Review of Administrative Draft Specific Plan**

The purpose of this process is to give staff the opportunity to comment on the text and diagrams before the document is finalized into a draft to be circulated for public review and comment. This process is important in identifying any staff concerns as early as possible. The document may be incomplete but text and diagrams should be very close to a final draft form.

- Review of Draft Specific Plan by appropriate City Departments
- Review of Draft Specific Plan by appropriate agencies/parties
- Staff prepares comment letter(s) notifying applicant/consultant of all required revisions
5. **EIR - CEQA Environmental Review**

Adoption of a Specific Plan or its Amendment is a project subject to the California Environmental Quality Act (CEQA). Under most circumstances, a specific plan will require an Environmental Impact Report (EIR). Revisions to Specific Plans, which are also projects under CEQA, may warrant consideration of a Supplemental or Subsequent EIR, tiered EIR or Mitigated Negative Declaration.

The environmental review for the Specific Plan is prepared and adopted concurrently with the Specific Plan. This provides opportunity for revisions to the Specific Plan to lessen any identified impacts and to incorporate identified mitigation measures. Upon completion of a draft specific plan, and technical studies, preparation of the environmental documentation may proceed, and will commence upon formal submittal of the draft specific plan and final technical studies to the City along with payment of the related fees. This is important because, before meaningful work on the EIR can begin, the major components of the Draft Specific Plan must be solidified so that a coherent project description that will not significantly change can be created to base the analysis on. Alternatives analysis can be used via the CEQA process to sort out desirable project options that represent variations of the project that could feasibly occur.

The EIR process is integrated with the Specific Plan process and consists of the following components:

- Consultant Selection
- Initial Study/Notice of Preparation (NOP)
- Draft EIR/special studies
- Final EIR/Mitigation Monitoring Plan/Findings for Adoption
- Certification
- Notice of Determination (NOD)

6. **Selection of Environmental Consultant**

Consultant selection should begin once the deposit is received. The City of Modesto is responsible for selecting the consultant to prepare the EIR (the applicant may select a consultant of their choosing to prepare the specific plan, or allow the City to select and manage the specific plan consultant). The consultant is selected by the City from a list of pre-qualified firms. Once the selection process is complete, the applicant is notified of the selected firm. The prime consultant may also select sub-consultants to prepare needed special studies.

The Contract between the City of Modesto and consultant known as a “Standard Agreement for Consultant Services” must be forwarded to the City Attorney’s office for review and approval as to form and content. Execution of the contract may require approval by the City Council. Current City Council policy authorizes the City Manager to execute an agreement with a third party consultant for an amount not to exceed $50,000. Contracts in excess of that amount require City Council approval. Prior to contract approval, the City must receive the applicant’s authorization to proceed, including the funds to cover the cost of preparing the EIR. Following City Council
approval, the contract is signed by all applicable parties, including the City Manager, City Clerk, City Attorney, and chosen consultant. At that point, the consultant is then authorized to proceed with preparation of the EIR.

7. Initial Study/Notice of Preparation (IS/NOP)

Based on the administrative draft specific plan documents that provide sufficient detail for a complete project description pursuant to CEQA, the Initial Study(IS)/Notice of Preparation (NOP) is prepared. The scope of analysis, including special studies needed, to be contained in the EIR is determined by evaluating information provided by the applicant along with comments received from agencies that commented on the IS/NOP. The IS/NOP is circulated for a 30-day period. The Initial Study/NOP solicits input from Responsible and trustee agencies and/or interested parties regarding the potential environmental effects of the project. Document distribution is selected from a Master Distribution list maintained by the Community & Economic Development Department. The agencies will submit written comments on various aspects of the project that they think need analysis in the EIR.

8. Submittal of the Draft Specific Plan and Technical Studies

After staff reviews the preliminary administrative draft(s) specific plan and technical studies, documents will be revised to final draft form and submitted to the City for formal review. The specific plan text and diagrams should be in a finished state and packaged as one complete document. The applicant will submit these final documents along with a written "request to initiate staff review." The Community & Economic Development Department staff will have 30 days to deem the documents complete or identify additional analysis/information that is necessary and refer the documents back to the applicant.

9. Draft EIR

Preparation of the Draft EIR begins upon completion of a final draft specific plan and its related technical studies. Existing conditions inventory and site analysis information will have been well documented in the early stages of the specific plan process, due to the coordination between the applicant and City staff.

There is coordination between specific plan development and environmental analysis in the EIR. The development concepts contained in the specific plan shall consider and incorporate the environmental data generated in technical studies and guide formulation of the plan. The specific plan should be "self-mitigating" to the extent possible. The environmental document will focus on significant and unavoidable impacts and provide a "Master" document that will allow for subsequent consideration of development proposals within the framework of the specific plan, these procedures and the CEQA Guidelines.

Once the draft environmental document is completed by staff, the environmental document and draft specific plan will be circulated for public review and comment as provided by the CEQA Guidelines. The Environmental Document must be circulated to all Responsible Agencies and interested parties, and the specific plan must also be made...
available for review. A public hearing shall be held by the Planning Commission to receive comments on the Draft EIR. This hearing may be combined with other public hearings on the draft specific plan as required.

While the City is responsible for preparation of the environmental document, the applicant shall be responsible for all costs associated with preparation of the environmental document and shall pay an estimated fee prior to its preparation.

10. **Public Review Specific Plan Document**

Referral and public review of a draft specific plan document is set forth under Government Code Section 65352, and is the same as required for adoption of General Plans.
- 45-day review to State Office of Planning & Research (OPR), Responsible & Trustee Agencies and Interested Parties.
- The distribution of this document parallels and accompanies the Public Review Draft EIR
- The transmittal letter for both documents outlines issues of importance that the City desires input on

11. **Final EIR, Mitigation Monitoring Plan and Findings for Certification**

A Final EIR document is prepared that contains public review comments received, a response to those comments, and all attached documentation including the Draft document, any special studies, and the original Initial Study. The public review comments will be forwarded to the Community & Economic Development Department to prepare a Response to Comments and a Final Environmental Impact Report. Depending on the range and number of comments, the City will require staff time to prepare a response prior to a hearing by the City Council. If any significant issues are raised by comments received, additional analysis or information may be requested of the applicant. A Mitigation Monitoring and Reporting plan must accompany the EIR. The Findings for adoption/certification are important and should be prepared in advance of the public hearings and reviewed by the City Attorney.

12. **Final Draft Specific Plan Document**

Revisions are made to the Specific Plan in response to input from City Departments & agency review comments on the public review document. The final plan incorporates information collected from public review of both the Specific Plan and EIR, mitigation measures resulting from the EIR and related special studies in the form of revised or new policies, standards or alternatives.
13. Planning Commission Hearing

The Final EIR and Specific Plan are considered by the Planning Commission. Regular noticing requirements of both the Planning Commission hearing and the City Council hearing must be met. Planning Commission revisions to the specific plan may require revisions to and recirculation of the environmental document. The Commission's recommendation will be forwarded to the City Council; in the event of recommendation for denial, the specific plan will be forwarded (to the City Council) and an appeal will not be necessary. After the recommendation of the Planning Commission has been made, a public hearing will be scheduled with the City Council. A final environmental document shall be prepared. The City Council may then approve or deny the proposed project. Several meetings may be required by the Commission or City Council to solicit comments, evaluate the project and make a final determination.

14. City Council Hearing

Adoption of a Specific Plan is governed by the same laws and procedures set forth in the Government Code for General Plans (Section 65453). The Final EIR and Specific Plan along with any revisions resulting from Planning Commission review are considered by the Council. If approval is granted, the specific plan will normally be adopted by resolution. Adoption by resolution rather than ordinance facilitates subsequent amendment to the plan. In approving the Specific Plan, the Council would also consider certification of the environmental document/EIR along with the Specific Plan. Adoption of the related entitlement documents: Finance Plan, Facilities Master Plan, CFD Formation and initiation of Annexation would typically follow shortly after Specific Plan adoption as separate actions.

15. Notice of Determination (NOD)

Once the final EIR is certified by the City Council, a Notice of Determination document needs to be filed with the County Clerk Recorder as well as the State Clearinghouse.

16. Specific Plan Implementation

Pursuant to Government Code Section 65451 (a) (4), the Specific Plan will contain a program of implementation measures including references to all the applicable municipal regulations and codes. This program will typically identify the capital infrastructure projects needed for development of the plan, costs and method of financing. In addition, the subsequent development entitlements necessary for implementation are identified and basic information regarding cost components is included in the Specific Plan. Any development review process that is set forth in the plan for subsequent staff review and approvals would be implemented at this time.
17. **Specific Plan Administration**

This includes the processing of subsequent amendments to the plan as well as minor technical revisions. Amendments to the Plan will require public hearings by the Planning Commission and City Council. An administrative staff procedure may be included in the plan for revisions to subsequent development entitlements from the Plan such as plot plans and subdivision maps as long a conformance with the plan can be determined (see Part II of the guide).

Each specific plan shall specify the revision procedures and define what types of modifications qualify as a revision. The approval of the Community & Economic Development Director will be required in order to incorporate requested revisions of a specific plan. Revisions may consist of such items as typographical errors, measurement errors or boundary adjustments as allowed by the specific plan. Revisions should comply with the requirements and intent of the specific plan and shall not change the basic configuration or intent of the Plan. *(Note: “substantial” Revisions Per State Law triggers a Specific Plan Amendment).*

For large projects developed over many years, it is difficult to predict with complete accuracy how the market or other conditions may change. Many specific plans build in some flexibility to account for change. An example might be to allow some minor shifts of planning area boundaries or a shift in density from one planning area to another, such as a 10% shift in the number of permitted units, provided the total density for the project does not change.

The specific plan shall specify what types of modifications qualify as an amendment. A specific plan adopted by resolution should be amended by resolution.

---

**RELATED ENTITLEMENTS REQUIRED FOR DEVELOPMENT**

The City has found that in order to adequately prepare for the implementation of a Specific Plan pursuant to Government Code Section 65450, several companion documents are required to be adopted along with the Specific Plan, or immediately afterwards, before construction can proceed. Typically, the documents listed below are required. These entitlements must be in place before final discretionary or ministerial approvals by the City (i.e. Tentative Map, Final Map and Building Permit) can be received to allow actual construction to proceed.

18. **Finance Plan**

The Specific Plan provides a general description of the type and cost of utilities and facilities required to serve the developed specific plan area as well as community amenities, open space, trails etc. Typically, a consultant would be hired to prepare the finance plan. The plan would identify the types of funding mechanisms to be used for each type of facility/amenity. The Finance plan provides the basis for the actual funding...
mechanisms by providing a detailed description and analysis of the funding mechanisms, the Facilities to be Financed in general terms, the cost of facilities to be financed in detail (normally by land use type), the allocation of costs to the funding sources in detail, project requirements and procedures. The Finance plan will often include analysis of any specific financing mechanism such as a Community Facilities District and the cost spread to establish such special taxes. The Finance Plan is therefore a critical document to be adopted before any development can proceed.

19. Facilities Master Plan

The Facilities Master Plan provides a detailed analysis and description of the public facilities required to serve the Specific Plan area (including where appropriate, project amenities). Typically an engineering firm specializing in this type of document would be hired. Based on the generalized discussion of the Specific Plan, the Facilities Master Plan includes calculations and engineering drawings that provide the sizing and capacity of facilities as well as the layout in relation to the project area properties. The major infrastructure components are included: street system, sanitary sewer, potable water, parks, storm drainage, are included. The document is typically prepared by an Engineering firm consultant. The detailed information from this effort is used to refine the cost estimates used in the Finance plan and any funding mechanisms. Although the Facilities Master Plan level of detail can be combined into the Specific Plan, it is more useful to create a separate document.

20. CFD Formation

The Community Facilities District (CFD) (Mello-Roos District) is a special taxing district formed over the Specific Plan area to construct and maintain certain infrastructure or amenities within the Specific Plan area. The initial CFD taxing district may be formed to just prior to the first phase of development. The CFD must be in place prior to the recordation of any Final Maps for development. Future phases of development will be annexed to the CFD as development occurs. The CFD typically will finance streets, water, wastewater, storm drainage, parks, parks maintenance, landscaping, trails and any other specified uses or maintenance thereof.

21. Annexation - LAFCO Process – if necessary (refer to flow chart)

Annexation is required before development can proceed. Except for occasional infill projects, the Specific Plan process is typically used for development of larger new growth areas of the City. Before annexation of an area is initiated by City Council resolution, the LAFCO annexation application is prepared. The application requires preparation of detailed documentation of the City's ability to provide services, including calculations showing capacity to provide sanitary and potable water for the specific plan area. Information from the Specific Plan EIR will serve as a source in completing infrastructure capacity data required by LAFCO.
22. Development Applications - Final Maps/Building Permits

Before any construction can proceed, development applications must be processed and approved by the Planning Commission and City Council as required by statute and set forth in the Specific Plan document. These would include any subdivision or parcel maps, and/or plot plans or development agreements etc. Issuance of a building permit is the last step towards actual construction and can only occur when all the preceding required entitlements have been accomplished.

Initial Environmental Review

In order to accomplish these objectives, the City shall review the application and meet with the applicant, if necessary. General areas and issues requiring study shall be identified. The City shall seek early input from responsible agencies and trustee agencies and the public regarding key issues in preparation of the specific plan. Should any technical studies (such as transportation analysis) be prepared for the plan alternatives, the City shall be involved in the commissioning of these studies, so that the resultant report(s) will be in a format which is useful in preparation of a specific plan, but is also useable for CEQA documentation following preparation and submittal of the plan.

The issues identified by the City and other key agencies will be listed in a letter to the applicant identifying the necessary information and technical studies. For purposes of processing the specific plan, request and receipt of information at this early stage will not result in determining the application as complete. Careful consideration will be given to technical studies that may require preparation during a particular season of the year. Such studies should be requested as soon as the need is identified to avoid missing the season. After the project is defined and formally submitted, the formal application and review process begins. As provided by the CEQA Guidelines, additional information may be required of the applicant during preparation of the environmental document if other significant impacts are discovered.

PART II
SPECIFIC PLAN PREPARATION

Part II of the guide describes in some detail the content of specific plan documents needed to meet City of Modesto standards for a complete plan. The sections of this part include:

1. Form and Content – the structure and information contained in the document

2. Environmental Review – CEQA review of specific plan and subsequent development
1. FORM AND CONTENT

The following text describes the expected content and organization of a specific plan that would be submitted for review and consideration by the City of Modesto. This guide is intended to assist those involved in specific plan preparation to clearly understand the elements and scope of work to be included for proper implementation of State law (Government Code Section 65451) and the Modesto Urban Area General Plan. The guide allows flexibility in the organization and content of a specific plan; not all design elements may apply given the unique conditions of individual planning areas (e.g. size of project area, proposed land uses, etc.). Variations of the design elements will be considered on a case-by-case basis, based on discussions with City staff.

Throughout the preparation, and subsequent adoption and amendment of the plan document, hardcopy should be in a 3-ring binder, all text and graphics should be submitted and maintained in electronic form compatible with the City’s computer software (Microsoft Word, Excel, Access, and AutoCAD; graphics must be in a format that can be viewed in a Microsoft Word- version ’97 or newer). Base mapping shall be compatible with the City’s GIS Arcview system.

Following is a detailed outline of the sections and chapters of a specific plan:

INTRODUCTORY SECTION:

A. Title Page
   1. Name of Specific Plan
   2. Specific Plan File No. (i.e., SP - 2003-003)
   3. Name, address and telephone number of Developer and/Applicant
      a. Name and e-mail address of contact person
   4. Name, address and telephone number of Document Preparer
      a. Name and e-mail address of contact person
   5. Agency Name
   6. Date of Plan Adoption, Resolution No. & any Amendments to Plan

B. Table of Contents

C. List of tables, exhibits and maps

D. List of Appendices

SUMMARY (CHAPTER I):

A. Purpose of specific plan and summary of issues covered

B. Location, including regional context

C. Acreage, basic land use information

D. Summary of preparation process (overall flow chart)
INTRODUCTION (CHAPTER II):

A. Project description and general range of issues addressed in Specific Plan.

B. Statement that the specific plan is a regulatory document, prepared pursuant to California Government Code Sections 65450 through 65457, and that site plans, tentative parcel maps and tract maps must be consistent with the Specific Plan.

C. Purpose of the specific plan and how the plan’s policies and regulations accomplish it.

D. Relationship of the specific plan to the Modesto Urban Area General Plan.

E. Relationship of the specific plan to other specific plans and/or planning documents in the immediate area.

F. Relationship of the specific plan to the plans of neighboring jurisdictions, regional agencies and the state.

G. Relationship of the specific plan to program-level environmental documentation.

H. Severability Clause (i.e., "if any regulations, condition, program, or portion of this Specific Plan is held invalid or unenforceable, such portions shall be deemed separate, distinct, and independent provisions, and the invalidity of such provisions shall not affect the validity of the remaining provisions thereof").

Existing Conditions Section

A. Project Location:
   1. Written description of the location, including site acreage(s).
   2. Regional Map – location of project in relation to freeways, major roads, cities, riparian corridors or other sensitive habitats, etc.
   3. Vicinity Map – show project boundaries plotted on USGS topography or similar base
   4. Site Diagrams – use the same base map for all site diagrams in the document.
   5. Airphoto of site – use most recent photo available from City

B. Existing Site Conditions – include site diagram describing:
   1. Existing land uses and built environment
   2. Surrounding land uses
   3. City boundary lines (i.e. general plan boundary, sphere of influence, etc.)

C. Existing Circulation – include site diagram(s) describing all transportation modes:
   1. Regional Circulation
   2. Local Circulation
D. Existing Utilities – include site diagrams describing:
1. Water Supply Facilities
2. Wastewater Facilities
3. Stormwater/drainage Facilities
4. Solid Waste Facilities
5. Natural Gas Lines
6. Electrical Facilities
7. Telephone
8. Cable T.V
9. Microwave tower facilities

E. Property ownership - include site diagram depicting property ownership information that includes name, acreage and Assessors Parcel Number for each parcel in the plan area.

F. Existing Environmental Conditions – include site diagrams describing:
1. Topography
2. Geology and Soils
3. Seismicity
4. Drainage
5. FEMA floodway and flood plain information if applicable
6. Vegetation
7. Historic and/or Archeological, Paleontological areas/sites
8. Biological Resources
9. Property subject to Williamson Act contracts
10. CalEPA hazardous materials list sites
11. Potential Wetlands delineation

Note: information covering existing environmental conditions will duplicate much of the environmental setting section of the Environmental Impact Report for the plan.

SPECIFIC PLAN ELEMENTS (CHAPTER III):

A. Land Use Plan – articulates a vision for the ultimate development and establishes the general distribution and extent of land uses within the plan area.

The following items shall be addressed:

1. General Plan Policies – purpose and intent, locational criteria and land use intensity.

2. General Plan consistency- how the plan implements the General Plan land use policies.

3. Character of Development.
4. Land Use Diagram delineating the planned distribution, location, and extent of land uses (including open space).

5. Permitted Land Uses – a table defining all uses permitted in the plan area and describing the characteristics of each land use designation (e.g., low-density residential, open-space, neighborhood commercial, etc.). Additional categories may be considered to accommodate the special needs of the specific plan concept.

6. Land Use Table, describing each proposed land use with respective acreage, minimum and maximum number of units, development intensity/density, Floor Area Ratio (FAR) and other pertinent information.

7. Generalized plotting diagram, describes the range of parcel sizes including range of densities and types of housing proposed for residential areas.

8. Provisions for protection of agricultural lands including buffering techniques and transitional uses.

9. Provisions for protection of riparian corridors or other sensitive habitat, if applicable.

10. Location of public facilities and infrastructure necessary to serve the specific plan area, e.g. roads, parks, water wells, tanks, sewers, storm drainage basins, schools, solid waste disposal, energy, etc.

B. Housing Plan – this section covers the overall concept of housing within the Specific Plan. The goals of housing within the Specific Plan should be stated. Consistency of these goals with the Modesto Urban Area General Plan “Housing Element” goals should be addressed.

1. A key section of this element is the Specific Plan’s affordable housing program. This program shall be consistent with the affordable housing goals contained in the Housing Element of the Modesto Urban Area General Plan. The Specific Plan should state how it would provide for a range of housing types to ensure socially and economically integrated neighborhoods.

2. Provisions for housing for all economic segments of the present and future community including the City’s fair share of the regional housing need, pursuant to the Housing Element of the Modesto Urban Area General Plan.

3. Address minimum densities, mix of densities, range of housing products, mechanisms to facilitate affordable housing, etc.

C. Circulation Plan – articulates the vision for the ultimate circulation network and establishes the general circulation system within the plan area, a statement of objectives and policies pertaining to the planned distribution, location, extent, and
intensity of major components of public and private transportation as well as non-motorized transportation opportunities, and consists of:

1. Diagram(s), written descriptions, characteristics, including standards, criteria and diagrams, of planned major transportation components, including improvements that support the land use proposals (include cross-sections describing right-of-way dimensions, intersection layout, signals, traffic control measures, roundabouts, landscape easements, medians, parkways, street slope, etc.)

2. The Specific Plan shall clearly identify non-motorized transportation, including bikeways and pedestrian paths and conform to the Non-Motorized Transportation Plan.

3. This section should also clearly state how public transportation will be addressed within the Specific Plan area. If the Specific Plan is being prepared for a new area, it should clearly state how this area will hook up with the existing transit system. Locations of bus turnouts should be clearly identified.

4. The specific plan should include a transitional roadway plan, where road right of way are to be relocated, identify existing roads to be maintained for agricultural product transport or farm equipment routes that:
   - Identifies existing roads to be maintained for agricultural product transport or farm equipment routes;
   - Determines roadway specifications and markings that identify the roads as being used for agricultural vehicles; and
   - Establishes criteria to determine when the road should transition from being predominately used for agricultural purposes to being used for urban purposes.

D. Streetscape Plan – a statement of development objectives and policies (based on opportunities, issues, and the analysis of data) pertaining to planned streetscape improvements describing location, extent, and intensity of streetscape improvements including arterial streetscapes, gateway/entry monumentation, project perimeter improvements, landscape features, walls and fences, theme walls, neighborhood walls, private walls and fences and any other applicable improvements, and consisting of:

1. Diagram(s), written descriptions, characteristics, including standards and criteria, of planned streetscape components, including improvements that support the land use planning proposals (include cross-sections describing landscape and hardscape improvements, entry monumentation design, landscape buffers, etc.).

E. Public Facilities Concept Plan: The Public Facilities Plan element provides concept level facilities design to establish the base infrastructure for roads, water (including water source to serve the Specific Plan area), sanitary sewer, storm drainage facilities,
parks and other public facilities to serve new development in the planning area. It provides base information for the separately prepared, and more detailed, Facilities Master Plan document for construction (see Implementation Section 3 B, Facilities Master Plan, for details). The public facilities concept plan provides base information on the "backbone" infrastructure system, showing preliminary alignment and sizing layouts for roadways, potable water systems, sanitary sewer systems, and storm drainage.

F. Conceptual Grading Plan

1. Preliminary grading concept/drainage analysis for the project, including existing and proposed drainage facilities (use appropriate contour interval but no greater than five (5) feet).

DEVELOPMENT STANDARDS (CHAPTER IV):

This section contains specific development standards that will be applied to development projects within the plan area, including standards for the conservation, development and utilization of natural resources, if applicable. City staff will work with each project applicant to determine the appropriate development standards to include in the specific plan, however, most specific plans will likely need to include the following standards:

1. Site Development Standards -
   a. Intensity of Development (floor area ratio indicated)
   b. Minimum Parcel Size
   c. Building and parking setbacks
   d. Building Height
   e. Landscaping
   f. Parking
   g. Fencing and walls
   h. Loading area
   i. Solid Waste and Recycling
   j. Outdoor storage
   k. Signage

2. Performance Standards -
   a. Noise Attenuation
   b. Lighting and glare
   c. Nuisances

3. Other Regulations -
   a. Specific Plan Overlay Zone
   b. Exceptions to Development Regulations
   c. Improvement Standard Regulations
   d. Designation of Sub-Areas
1. **Overall Design Concept** - This section describes the planned character of development in the plan area. City staff will work with each project applicant to determine the appropriate items to be addressed in the Guidelines, however, most Guidelines will likely need to include the following:

2. **Site Planning Guidelines** -
   a. Site layout/parcelization
   b. Site Grading
   c. Entry Drives
   d. On-site Circulation and access
   e. Parking
   f. Loading and Storage Areas
   g. Refuse Collection Areas
   h. Building Orientation
   i. Walkways
   j. Site Access
   k. Handicap Accessibility
   l. Energy Conservation Techniques
   m. Security Provisions
   n. Relationship to Adjacent sites

3. **Architectural Guidelines** -
   a. Building Massing, Articulation and Relationships
   b. Building Entries
   c. Building materials, colors and finishes
   d. Mechanical Equipment screening
   e. Exterior lighting
   f. Exterior paving and furnishings

4. **Landscape Guidelines** -
   a. Landscape Design
   b. Site Layout
   c. Existing Healthy Trees (for preservation in the Plan)
   d. Plant Materials
   e. The right-of-way area
   f. Pedestrian walkway systems
   g. Perimeter landscaping
   h. Parking lots
   i. Interior property lines
   j. Entry drives
   k. Entry plaza areas and courtyards
   l. Landscape buffer
   m. Landscape screening
   n. Landscape lighting
   o. Water conservation – landscaping to meet Leadership in Energy and Environmental Design (LEEDS) requirements for run-of and shading
5. **Signage Guidelines**
   a. Wall signs
   b. Free standing signs
   c. Directional signs
   d. Temporary signs

6. **Lighting Guidelines**
   a. Illumination of buildings
   b. Illumination of landscaping
   c. Illumination of parking areas
   d. Illumination of walkways and courtyards
   e. Illumination of signs

**COMMUNITY SERVICES AND UTILITIES (CHAPTER VI):**

This chapter contains a statement of development objectives and policies (based on opportunities, issues, and the analysis of data) regarding the planned distribution, location, extent and intensity of community facilities (e.g., schools, fire stations, police sub-stations etc.) and their related facilities (i.e. utilities, solid waste disposal, electric sub-stations, irrigation canals, microwave towers etc.). Chapter III contains a detailed discussion of public infrastructure - roads, sewer, water and storm drainage; This chapter consists of the following, including a table that identifies the service providers responsible for each of the services listed below:

1. **Public Safety** – This section should explain how police and fire protection will be provided to the area. The impact of this project on the level of service goals for police and fire (as stated in the General Plan) should be addressed.

2. **Schools** – the developer of the Specific Plan should coordinate closely with the respective school district that serves the area to ensure there area adequate school(s) for the residents of the Specific Plan Area. The location of any school(s) should be shown on a map. There should be a description of all school facilities provided and available, both on and off-site, to the project area. This description should extend from preschool through college level programs.

3. **Child Care** – a description of child care facilities, both on and off-site, that are available to the residents of the Specific Plan Area should be included.

4. **Solid Waste** - This section should state where solid waste for the proposal will be disposed of and how this project will impact the life expectancy of that landfill.

5. **Flood Control** – A map should be included which shows the FEMA designations for the property. Measures that will be taken to reduce flood concerns (if any) should be discussed.

6. **Utilities** - There should be a discussion of how electricity, gas, telephone and cable TV and information technology will be provided to the area.
PARKS AND RECREATION (CHAPTER VII):

This Chapter contains a statement of development objectives and policies based on opportunities, issues and the analysis of data pertaining to the planned distribution, location, extent, and intensity of open space and recreational facilities (e.g., parks, natural and improved open space areas, bicycle/pedestrian trails and other recreational trails) and consisting of:

1. Diagram(s), written descriptions, characteristics, including standards and criteria, of existing and proposed parks, natural or improved open space areas, dual-use facilities, non-motorized trails and other recreational trails that will support planned land uses. The location of any community centers should also be identified.

2. There should also be a discussion of the facilities being provided and their relationship to the standards for new facilities contained in the Modesto Urban Area General Plan. The relationship to the Parks Facilities Master Plan should be addressed in the plan.

ENVIRONMENTAL RESOURCES (CHAPTER VIII):

The Specific Plan should include 1) a summary of environmental issues/impacts, 2) summary of mitigation measures including what measures have been incorporated into the specific plan development and design standards 3) who is responsible for implementing the mitigation measures, 4) what triggers the mitigation (include references to text and EIR if necessary), and 5) who or what agency monitors the mitigation. This section will evolve throughout the process as staff and the environmental consultant formulate solutions to potential environmental and design issues.

IMPLEMENTATION (CHAPTER IX):

Based on the specific plan policies and objectives, the implementation chapter consists of a program of implementation measures including regulations, programs, public works projects, and financing measures necessary to carry out the Specific Plan Elements defined in Chapter III, including the land use plan and the public facilities plan. Variations of the implementation section will be considered on a case-by-case basis, based on discussions with City staff.

A. **Overview**
   1. Sub area concept development plan

B. **Public Facility Infrastructure Policies**
   1. Overall Infrastructure Policies
   2. Infrastructure to serve Sub-Areas
   3. Maintenance and facilities

C. **Public Facility Financing Policies**
   1. Statutory Authority
   2. General Plan Facility Financing Policies
   3. Specific Plan Facility Financing Policies
a. Required Public Facilities and their Design Standards (e.g. dedication &
development of parkland according to “turn-key” guidelines).
b. Overall Financing Policies
c. Specific Financing Policies – by Public Facility
   1. Streets
   2. Sewer
   3. Water
   4. Storm Drainage
   5. School
   6. Landscaping
   7. Summary (matrix) of Public Facilities Funding Mechanisms, by type
   8. Landscape maintenance plan

D. Sub-Area Financing Policies
   a. Financing Policies Applicable to applicable Sub-Areas

E. Annexation Policies

PLAN ADMINISTRATION (CHAPTER X):

A. Adoption – Adoption of the specific plan and its implementing documents, Facilities
Master Plan and Finance Plan, is by a Resolution of the City Council, following review
and recommendation by the Planning Commission.

B. Subsequent Entitlements – This section should outline the procedures for actual
development within the Specific Plan Area. It should clearly state what types of action
(e.g. conditional use permits, development plan reviews, planned residential
developments, planned commercial developments, development agreements, etc.) will
be needed for future entitlements, (such as day care center, churches) including which
types of projects will require additional environmental documentation.

C. Development Plan Review – summarize the development plan review procedures,
including submittal requirements, plan review and approval, time limitations,
environmental determinations, and revisions to approved plans.

D. Specific Plan Amendment Procedures – This section outlines the procedures for
revisions and amendments to the Specific Plan and minor adjustments to project
proposals. At a minimum the following shall apply:

1. Amendment: Amendment to a Specific Plan will require review and approval by
the Planning Commission and City Council. Such amendments are governed by
California Government Code, Section 65500, and require an application and fee
to be submitted to the Community Development Department, stating in detail the
reason for the proposed amendment.

2. Administrative Procedure: A procedure may be included in the specific plan for
Minor adjustments to project proposals which may be allowed through an
administrative mechanism where a determination by City staff can be made that the proposal is in "substantial conformance" with the specific plan. The scope and exact language of this procedure must be approved by the Community and Economic Development Director and City Attorney.

E. **Appeals** - The Specific Plan shall contain an appeal procedure for administrative determinations, decisions, or requirements made by City staff. The procedure shall direct the appeal first to the Planning Commission, then, if necessary, to the City Council. The procedure may be modeled after Article 28, Title X, Modesto Municipal Code.

F. **Interpretation/Enforcement** - This section shall state that the Community Development Director has the responsibility to interpret provisions of the Specific Plan, and that decisions of the Director can be appealed to the Planning Commission. This section should also state that the Community Development Director is responsible for enforcing provisions of the Specific Plan.

G. **Severability** - The Specific Plan shall contain the following severability clause: "If any regulation, condition, or program or portion thereof of the Specific Plan is for any reason held invalid or unconstitutional by any court or competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and the invalidity of such provision shall not affect the validity of the remaining provisions".

H. **Specific Plan Reimbursement Fees** - Pursuant to Government Code Section 65456, the City of Modesto has adopted an ordinance, Municipal Code Section 10-4.101, et seq. for the reimbursement of the costs of development and preparation of the specific plan and its related environmental review document. The plan should address how this fee would be implemented or collected.

I. **Indemnity** - The Specific Plan shall contain an indemnity clause with language similar to the following: "the specific plan applicant shall indemnify, defend, and hold harmless the City of Modesto, its agents, officers, and employees from any and all claims, actions or proceedings against the City of Modesto, its agents, officers, and employees to attack, set aside, void, or annul, any approval by the City of Modesto and its advisory agency, appeal board, or a legislative body concerning the specific plan and its related documents (e.g. Environmental Impact Report, Facilities Master Plan and Finance Plan)". Final wording of this clause is subject to approval by the City Attorney.

**APPENDICES:**

A. **Precise Description** of the Specific Plan boundary; a legal description taken from the title report of from deeds of the exact properties affected by the Specific Plan shall be included.

B. **Summaries** of key Specific Plan background data and information.

List of Applicable mitigation measures/Mitigation Monitoring program from Focused EIR
C. **Glossary** of Specific Plan terms (this may need to be included in introductory sections).

D. **Technical Reports** – Technical Reports, the executive summaries of technical reports, or a reference to where technical reports are located should be located in the appendices including:

1. Traffic Study and Traffic Impact Analysis
5. Geotechnical/Soils study (if applicable) for the Specific Plan Area.

### 2. ENVIRONMENTAL REVIEW OF PLAN AREA DEVELOPMENT PROJECTS

**Specific Plan EIR:**

A Specific Plan Environmental Impact Report is prepared to cover the development of the Specific Plan. This CEQA document would normally be a Focused EIR that would be tiered off of the City's General Plan Master EIR. The Final EIR would identify all project impacts and contain a complete program of mitigation measures to reduce or eliminate effects. Many of these measures are project-specific, but many of them are taken directly from the Master EIR.

Environmental review for development projects within the specific plan area will typically require preparation of an Initial Study that makes the finding that the project is within the scope of the specific plan EIR and General Plan Master EIR. These projects will then draw down all appropriate mitigation measures and apply them to the project approval. A list of these measures should be attached to the environmental review document.

A. **Level of Review for Subsequent Projects:**

1. Projects that qualify as exempt – Notice of Exemption prepared. This includes Government Code Section 65457 exemption for residential development projects, subdivision, or zoning change undertaken to implement and is consistent with a specific plan.

2. Projects that are within the scope of the Focused EIR/Master EIR – an Initial Study is prepared.

3. Projects that introduce new project-specific effects not covered – a Mitigated Negative Declaration is prepared.

4. Minor Amendments to the Specific Plan – an Initial Study possibly leading to a Mitigated Negative Declaration or Addendum depending on whether new effects are identified, an Addendum to the EIR may be required for minor technical revisions to the EIR.
5. Major Amendments to the Specific Plan – Supplemental or Subsequent EIR depending on the extent of the change and the effects.

B. **Mitigation Monitoring Program** – Pursuant to Public Resources Code Section 21081.6, include a summary of conditions of project approval to mitigate or avoid significant effects on the environment to insure that the project and all future development within the project area complies with all applicable environmental mitigation and permit requirements.

**PART III**

**IMPLEMENTATION MEASURES AND DOCUMENTS**

A. **Fiscal Impact Analysis** - Report on the costs and revenues anticipated by the City as a result of the proposed development. This analysis can be attached to the Specific Plan as a technical appendix, but should be summarized here. Fiscal Impact Reports will be based on a modeling procedure established by the City and will include the latest available multiplier data from actual city revenues and expenditures. The fiscal impact analysis is required to achieve the following purposes:

1. To ensure that decision-makers are fully apprised of the probable municipal costs and revenue streams which may be generated by the proposed development.

2. To identify the fiscal impacts of the proposed land use mix, provision of evidence for preliminary forecasting of budget impacts, and supply of project-specific economic information to assist in the deliberations of the Planning Commission and City Council.

B. **Facilities Master Plan** – This is the engineering implementation document that is prepared from the concept level, base information provided in the specific plan. This document is prepared separately and based on the concept level infrastructure data, provides preliminary design calculations, demand calculations and requirements set forth in the plan, and adds an additional level of detail placing the location and sizing of facilities in order that actual construction drawings can be produced. This document must be prepared concurrent with the Specific Plan and is necessary to be adopted concurrent with adoption of the Specific Plan.

The Appendix, Section 4 of this document contains the detailed requirements for preparation of the Facilities Master Plan. The Public Facilities Plan will include technical studies required to define the infrastructure for the area, include scale drawings based on existing City aerial photos, record drawings, and GIS data. The Facilities Master Plan would also address dual-use drainage/open space facilities including trails/pedestrian paths adjacent to drainage basins. Specific location and area requirements for storm drainage basins will be determined, based on a comprehensive hydrology study. Infrastructure plans would be addressed as part of the Facilities Master Plan, discussed in Section 4 of the Appendix.
C. **Finance Plan** – The Finance Plan will be completed in conjunction with preparation of the specific plan. This document includes preparation of a market study to look at (i) the potential absorption of the proposed land uses, and (ii) the recommended combination of land uses based on analysis of the competitive market place and existing supply and demand. The finance plans will address all of the facilities to be financed, including roadways, storm drainage system, sewer system, water system, utility relocation, public facilities, and other facilities. The Finance Plan is required to be completed in conjunction with preparation of the specific plan. A program for addressing any fiscal deficits to ensure adequate personnel and ongoing operations and maintenance should be included. The Finance Plan shall provide the following:

1. Estimated costs of the public improvements proposed by the specific plan’s infrastructure plans.

2. The measures and/or methods by which each proposed public improvement(s) will be financed.

3. Identify persons or agencies responsible for and constructing the proposed public improvement.

4. Financing Measures necessary for implementing the specific plan’s proposals other than capital improvements shall include:
   a) Descriptions of the projects requiring financing.
   b) Estimated costs.
   c) The measures by which each specific plan proposal (including public infrastructure improvements) will be financed.
   d) Persons or agencies responsible for financing and carrying out such proposals.

5. Formation of a Community Facilities District (CFD), facilities to be included and explanation of how the CFD would be monitored and administered on an ongoing basis.

D. **Phasing/Sequence of Improvements** – The phasing of the project shall be described. The provisions for development phasing should ensure orderly and contiguous development consistent with the population projections and growth rate of the General Plan. For the specific plan’s proposals, including capital improvements; identify the phasing of development as it pertains to recreation facilities, public facilities (including infrastructure facilities) and other uses within the plan (including a phasing diagram). The phasing programs shall ensure that adequate supporting public services, retail, parks, schools and other uses are in place to support residential uses. The phasing program shall include thresholds of residential development that cannot be exceeded until the construction of appropriate improvements has been initiated or to be completed by a specific date. The phasing plan shall be consistent with City approved
infrastructure studies. Provide a list of public improvements and supporting exhibits which must be built with the development of each phase so that the phased development is self sustaining and independently viable. It should be noted that certain improvements may be needed beyond the phase boundaries to support the respective phase.

E. Comprehensive Maintenance Program: Summary of maintenance responsibilities for streets (including street median and parkway landscaping), common area, open space, parks, bicycle and pedestrian facilities, drainage facilities, water and sewer, and other facilities, including the following:

1. Maintenance Program Matrix: describing list of facilities and improvement with responsible party.

2. Streetscape/Open Space/Parks Maintenance Diagram – identify location of landscape areas, bicycle and pedestrian facilities, and open space areas with party responsible for maintenance of respective improvements.

3. Examples and/or model of Conditions, Covenants and Restrictions (CC&Rs).
The Public Facilities Master Plan should cover the following Sections:

The Plan will include technical studies required to define the infrastructure for the area, include scale drawings based on existing City photogrammetry, record drawings, and Geographic Information System (GIS) data. Consultant shall perform field survey as necessary to assure consistency between right-of-way information and photogrammetry. The Plan shall cover at a minimum, the following areas:

- **Introduction**: description of project area, site characteristics, purpose and objectives of FMP, etc.

- **Circulation System**: Scale drawings showing all minor collectors and all street classifications above minor collectors, improvements in their final configuration based on the Specific Plan, City Standards and Caltrans plans where applicable. Right-of-way acquisition for all facilities shall be defined on separate drawings as well as impacts to existing improvements. The circulation plan should address pedestrian circulation along public right-of-way.

- **Transit System Improvements**: the circulation system drawings shall also show the transit turnouts as well as impacts to existing improvements.

- **Bicycle Path System**: Scale drawings showing all bike path improvements in their final configuration based on the Specific Plan, City Standards, and Caltrans plans where applicable. The plans shall incorporate the standards and guidelines outlined in the City of Modesto Non-Motorized Transportation Plan. Right-of-way acquisition for all facilities shall be defined on separate drawings as well as impacts to existing improvements.

- **Parks/Open Space**: Scale drawings showing open space system including dual use storm drainage/park facilities.

- **Street Lights**: Scale drawings showing all street lighting, including location of street lighting, specifications on pole type, height,

- **Public Safety**: Address concerns/comments from the Modesto Police Department.

- **Estimate of probable cost**: for all facilities.

- **Construction Phasing**: outline phasing for “backbone” infrastructure.

- **Funding Sources for Infrastructure**: Finance Public Facility Finance policies

- **Sewer, water and storm drainage facilities**: see guidelines below.
Underground Utilities Guidelines (i.e. Sewer, Water and Storm Drainage):

1. All proposed water, sewer, and storm drainage facilities are subject to written approval by the City Engineer.

2. Design calculations supporting all facility assumptions shall be land-use based and generated for total build out of the Specific Plan area (to be included in an appendix to the Specific Plan).

3. The Specific Plan should indicate any phasing requirements, from both a construction and financing perspective, for the proposed improvements.

4. Water, sewer, and storm drainage facilities installed in the early phases of development shall be sized to accommodate ultimate build-out of the Specific Plan and adjoining areas, as necessary.

5. Maps of sufficient detail to adequately show the proposed and existing (above and below ground) infrastructure shall be included. This includes showing existing topography (USGS topographic information for undeveloped areas is acceptable) and aerial photographic information of existing conditions.

6. An itemized Engineer’s Estimate for all backbone facilities (including land costs) is required and unit costs for those facilities shall be based on actual costs from recent municipal projects and/or from local industry standard cost estimating guides. Present all estimates in current dollars and inflate to more accurately reflect construction costs at the time when delayed facilities are anticipated to be built. Annual utility infrastructure maintenance costs for those backbone facilities shall also be included.

7. The cost burden of infrastructure shall be assigned in a manner described in the Finance Plan.

8. Providing supplemental engineering data and design details not otherwise specified herein, is the responsibility of the engineer designing the facilities.

9. All permits and agency approvals required for development of the Specific Plan shall be identified, including written confirmation of future acceptance by any irrigation district where discharge into their facilities is contemplated.

Water System:

10. The proposed water system shall be consistent with the City’s water related plans and permits, adjacent Specific Plans, Community Facility Districts, and existing facilities.

11. Water facilities shall be sized and located to accommodate peak demand requirements according to the procedures and methodologies of the Water System Design Standards (Section 6) of the City’s Standard Specifications.
12. A map showing alignment of all backbone facilities (i.e. pipes eight inches and larger, wells, wellhead treatment facilities, tanks, booster pump stations, ASR wells, connections to adjacent facilities, etc.) is required, along with a narrative description of the proposed improvements.

13. Water demand calculations for all major facilities (i.e. acreage of expected service areas, projected land uses, production requirements of any wells, storage requirements of any tanks, number and size of pumps, pipe sizes, peak flow rates at critical junctions, current fire flow results, etc.) are required.

14. Identify and demonstrate the adequacy of the anticipated water supply for the Specific Plan area. If the Specific Plan constitutes a "project", as defined by Senate Bill 610 and/or Senate Bill 221, then a Water Supply Assessment will be required as part of the approval process of the Specific Plan. The plan should incorporate the appropriate findings and determinations that are required to document compliance with the Water Supply Assessment.

15. Where feasible, consider installing a dual piping system with "purple pipe" to accommodate recycled water for landscape irrigation, etc. Water sources to consider include reclaimed water and non-potable water from wells with unfavorable water quality conditions.

Wastewater System:

16. The proposed wastewater system shall be consistent with the City's wastewater related plans, adjacent Specific Plans, Community Facility Districts, and existing facilities.

17. Wastewater facilities shall be sized and located to accommodate the peak flow rates according to the procedures and methodologies of the Sanitary Sewer System Design Standards (Section 5) of the City's Standard Specifications.

18. A map showing alignment of all backbone facilities (i.e. pipes ten inches and larger, lift stations, connections to adjacent facilities, etc.) is required, along with a narrative description of the proposed improvements.

19. Wastewater capacity calculations for all major facilities (i.e. topographic map of the expected tributary area(s) to be served, projected land uses, number and size of pumps, pipe sizes, peak flow rates at critical junctions, etc.) are required.

20. Identify and demonstrate the capacity of the downstream facilities expected to accommodate wastewater flows from the Specific Plan area, including the identification of special requirements to dispose of any anticipated industrial wastes.
Storm Drainage System:

21. The proposed storm drainage system shall be consistent with the City’s storm drainage related plans and permits (i.e. "Design Standards for Dual Use Flood Control/Recreation Facilities", "Guidance Manual for New Development Stormwater Quality Control Measures", "National Pollutant Discharge Elimination System" (NPDES) permit, etc.), adjacent Specific Plans, Community Facility Districts, and existing facilities.

22. Storm drainage facilities shall be sized and located to accommodate the peak runoff flow rates according to the procedures and methodologies of the Storm Drainage System Design Standards (Section 4) of the City’s Standard Specifications.

23. A map showing alignment of all backbone facilities (i.e. pipes ten inches and larger, lift stations, detention basins, outfall facilities, basin service roads, connections to adjacent facilities, flood hazard areas, etc.) is required, along with a narrative description of the proposed improvements.

24. Storm drainage capacity calculations for all major facilities (i.e. topographic map of the expected tributary area(s) to be served, projected land uses, time of concentrations, detention basin volumes, number and size of pumps, pipe sizes, peak flow rates at critical junctions, etc.) are required.

25. Identify and demonstrate the capacity of the downstream facilities expected to accommodate storm drainage flows from the Specific Plan area.
Specific Plan Process and Related Entitlements Required for Development

Typical Timeframe is 18-24 Months (Following Measure "M" Vote, if required)

**Specific Plan**
- Initial Contact: Applicant, property owner and city staff meet to define project parameters, review city policies, process and procedures.
- Pre-Application Meeting: Applicant brings concept plan, provides concept plan for discussion with city staff.
- Draft Specific Plan: Staff submits draft Specific Plan and held pre-application meeting.
- Staff Review: Staff reviews the Specific Plan with city staff.
- City Council Hearing: City Council hearing for adoption of Specific Plan.

**EIR**
- Inform applicant of CEQA requirements.
- Applicant provides background information.
- Staff selects consultant to begin CEQA Review.
- IS/NOE: Distributed for agency comments.
- Prepare Draft EIR.
- Draft EIR Public Review (45 days).
- Final EIR Document Prepared.
- Planning Commission Hearing.
- City Council Hearing Certification of EIR.
- Notice of Determination.
- Mitigation Monitoring.

**Finance Plan**
- Staff selects consultant.
- Final Finance Plan: Final Finance Plan.
- Council Accepts.

**Facilities Master Plan**
- Staff selects consultant.
- Draft Facilities Master Plan.
- City Council Review.
- City Council Adopts.

**Community Facilities District Formation**
- Staff selects consultant.
- City Council Initiates CFD.
- Property Owners Vote: Property Owners Vote.
- CFD Recorded.

**Annexation**
- Prepare Application.
- City Council Initiates.
- LAFCO Hearing.
- Record Annexation.

**Final Maps**
- Planning Commissioner Hearing.
- City Council Adopts.
- File Maps.

**Building Permits**
- Apply for Building Permits.
- Permits Issued.

*NOTE: This diagram is an idealized representation of a complex, multi-year process that will vary somewhat depending on the complexity of the actual proposal. The Specific Plan process is an integrated approach that includes several other major components that must be developed in concert with, and are all adopted prior to development of the Specific Plan area. The Specific Plan program will dictate the content of the other documents. However, revisions or changes may need to be made to the Specific Plan program based on the results of the other components (EIR, Facilities Master Plan, Finance Plan, CFD). Minor technical revisions and more significant amendments may need to be made to the plan program during its implementation phase before finalization in order to best guide development of the area.*
A RESOLUTION AMENDING THE FISCAL YEAR 2004-2005 ANNUAL BUDGET

WHEREAS, a monthly financial analysis has been completed and it has been determined that certain adjustments are required to the Annual Budget of the City of Modesto for the Fiscal Year 2004-2005,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that appropriations, revenues, and transfers for the 2004-2005 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 October, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following votes:

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

NOES:  Councilmembers:  None

ABSENT:  Councilmembers:  None

ATTEST:  

JEAN ZAHN, City Clerk

(seal)

APPROVED AS TO FORM:

By: 

MIKE MILICH, City Attorney
REQUEST FOR BUDGET ADJUSTMENT

Contact Person: Fred Cavanah  
Telephone No.:  
Department: Public Works  
Fund Title: Alternative Transportation

Council Action Date:  
Resolution Number:  
FY: 04-05  
Transfer No.: 

<table>
<thead>
<tr>
<th>Fund-Agency-Object</th>
<th>Appr Unit</th>
<th>Current Budget</th>
<th>Increase/Decrease</th>
<th>Revised Budget</th>
<th>Description of Object</th>
</tr>
</thead>
</table>

**DEPARTMENTAL REVENUES**

<table>
<thead>
<tr>
<th>FROM</th>
<th>TO</th>
<th>$4,525</th>
<th>($3,000)</th>
<th>$1,525</th>
<th>Reserves</th>
</tr>
</thead>
<tbody>
<tr>
<td>0700-800-8000-8003</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**APPROPRIATIONS**

<table>
<thead>
<tr>
<th>FROM</th>
<th>TO</th>
<th>$3,000</th>
<th>$3,000</th>
<th>Increase PSE</th>
</tr>
</thead>
<tbody>
<tr>
<td>6550-165-1676-0140</td>
<td>1676</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**TRANSFERS BETWEEN FUNDS**

<table>
<thead>
<tr>
<th>FROM</th>
<th>TO</th>
<th>$3,000</th>
<th>$3,000</th>
</tr>
</thead>
<tbody>
<tr>
<td>0700-700-1676-7655</td>
<td>1676</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

| TO | 6550-700-1676-9070 | 1676 |

**COMMENTS/JUSTIFICATION**

This transfer from Gas Tax Fund will fund grant position for the next three months until the next CMAQ grant becomes available. LTF funds are not eligible for this use.

**AUTHORIZATION (check if required)**

<table>
<thead>
<tr>
<th>DEPARTMENT DIRECTOR or AUTHORIZED ASSISTANT (Allocation of Dept Appr to Line-Item Level)</th>
<th>SIGNATURE</th>
<th>DATE</th>
</tr>
</thead>
</table>

| FINANCE DIRECTOR (Transfers to/from Internal Service Charges) (All items requiring City Manager's Approval) | |
| CITY MANAGER (Transfers between Budgeted Activities of Departments within Funds) (Appropriation of Unbudgeted Dept Revenues) (Transfers in/out of Personnel Services) | |


REQUEST FOR BUDGET ADJUSTMENT

Contact Person: Tracie Madison
Telephone No.: 1-5855
Department: Finance
Fund Title: Wastewater

<table>
<thead>
<tr>
<th>Fund-Agency-Organization-Object</th>
<th>Appr Unit</th>
<th>Current Budget</th>
<th>Increase/Decrease</th>
<th>Revised Budget</th>
<th>Description of Object</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>FROM</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>05-6270-120-0451</td>
<td></td>
<td>$1,500,000</td>
<td>($750,000)</td>
<td>$750,000</td>
<td>Principle repayment</td>
</tr>
<tr>
<td>05-6270-120-0452</td>
<td></td>
<td>$333,940</td>
<td>($166,970)</td>
<td>$166,970</td>
<td>Interest Expense</td>
</tr>
<tr>
<td>05-6270-120-0461</td>
<td></td>
<td>$10,000</td>
<td>($5,000)</td>
<td>$5,000</td>
<td>Trustee Fees</td>
</tr>
<tr>
<td><strong>TO</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>05-6270-800-8000-8003</td>
<td>6270R</td>
<td>$921,970</td>
<td></td>
<td>$921,970</td>
<td>contingency</td>
</tr>
</tbody>
</table>

COMMENTS/JUSTIFICATION
This Budget adjustment will correct a doubling of expenses that was done during the budget process. The bond payment was double and this will correct it.

AUTHORIZATION (check if required) SIGNATURE DATE

DEPARTMENT DIRECTOR or AUTHORIZED ASSISTANT
(Allocation of Dept Appr to Line-Item Level)

FINANCE DIRECTOR
(Transfers to/from Internal Service Charges)
(All items requiring City Manager's Approval)

CITY MANAGER
(Transfers between Budgeted Activities of Departments within Funds)
(Appropriation of Unbudgeted Dept Revenues)
(Salary lines movement in or out)
REQUEST FOR BUDGET ADJUSTMENT

Contact Person: Gail Bailey
Telephone No.: Finance
Department: Fund Title: Water

<table>
<thead>
<tr>
<th>Fund-Agency-Org-Object</th>
<th>Appr Unit</th>
<th>Current Budget</th>
<th>Increase/Decrease</th>
<th>Revised Budget</th>
<th>Description of Object</th>
</tr>
</thead>
<tbody>
<tr>
<td>DEPARTMENTAL REVENUES</td>
<td>FROM</td>
<td>TO</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>APPROPRIATIONS</td>
<td>FROM</td>
<td>TO</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6100-800-8000-8003</td>
<td>($49,500)</td>
<td>Water Fund Reserves</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TO</td>
<td>0100-120-1205-0235</td>
<td>$49,500</td>
<td>Professional Services</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>TRANSFERS BETWEEN FUNDS</th>
<th>FROM</th>
<th>TO</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>FROM</td>
<td>6100-700-1205-7010</td>
<td>011-700-1205-9610</td>
<td></td>
</tr>
<tr>
<td></td>
<td>1205g</td>
<td>$49,500</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>$49,500</td>
<td></td>
</tr>
</tbody>
</table>

COMMENTS/JUSTIFICATION
An Engineer's Report was approved for the City to determine the water system's infrastructure needs and evaluation of the allocation. Currently, this project is being paid out of the Finance operating budget. An adjustment needs to be made to transfer funds from the Water Fund to cover these costs.

<table>
<thead>
<tr>
<th>AUTHORIZATION (check if required)</th>
<th>SIGNATURE</th>
<th>DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>DEPARTMENT DIRECTOR or AUTHORIZED ASSISTANT (Allocation of Dept Appr to Line-Item Level)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>FINANCE DIRECTOR (Transfers to/from Internal Service Charges) (All items requiring City Manager's Approval)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>CITY MANAGER (Transfers between Budgeted Activities of Departments within Funds) (Appropriation of Unbudgeted Dept Revenues) (Transfers in/out of Personnel Services)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

FY: 04-05
REQUEST FOR BUDGET ADJUSTMENT

Contact Person: Gail Bailey  Council Action Date:  
Telephone No.:  Resolution Number:  
Department: Finance  
Fund Title: Water  

<table>
<thead>
<tr>
<th>Fund-Agcy-Org-Object</th>
<th>Appr Unit</th>
<th>Current Budget</th>
<th>Increase/Decrease</th>
<th>Revised Budget</th>
<th>Description of Object</th>
</tr>
</thead>
</table>

DEPARTMENTAL REVENUES

FROM

TO

APPROPRIATIONS

FROM

6100-800-8000-8003  ($21,700)  Water Fund Reserves

TO

0100-120-1205-0235  1200c  $21,700  Professional Services

TRANSFERS BETWEEN FUNDS

FROM

6100-700-1205-7010  1205g  $21,700

TO

0100-700-1205-9610  $21,700

COMMENTS/JUSTIFICATION

Staff has been working on a variety of GIS and billing data with Shibumi which are currently being paid out of the Finance operating budget. An adjustment needs to be made to transfer funds from the Water Fund to these costs.

<table>
<thead>
<tr>
<th>AUTHORIZATION (check if required)</th>
<th>SIGNATURE</th>
<th>DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>DEPARTMENT DIRECTOR or AUTHORIZED ASSISTANT (Allocation of Dept Appr to Line-Item Level)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>FINANCE DIRECTOR (Transfers to/from Internal Service Charges) (All items requiring City Manager's Approval)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>CITY MANAGER (Transfers between Budgeted Activities of Departments within Funds) (Appropriation of Unbudgeted Dept Revenues) (Transfers in/out of Personnel Services)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
REQUEST FOR BUDGET ADJUSTMENT

Contact Person: Lisa Forester  
Telephone No.: 577-6480  
Department: Parks, Recreation and Neighborhoods  
Fund Title: General

<table>
<thead>
<tr>
<th>Fund-Agcy-Obj-Object</th>
<th>Appr Unit</th>
<th>Current Budget</th>
<th>Increase/Decrease</th>
<th>Revised Budget</th>
<th>Description of Object</th>
</tr>
</thead>
<tbody>
<tr>
<td>DEPARTMENTAL-REVENUES</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TO</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>APPROPRIATIONS</th>
</tr>
</thead>
<tbody>
<tr>
<td>FROM</td>
</tr>
<tr>
<td>0100-800-8000-8003</td>
</tr>
<tr>
<td>TO</td>
</tr>
<tr>
<td>0100 340 3415 5900</td>
</tr>
</tbody>
</table>

COMMENTS/JUSTIFICATION

John Thurman Field appropriates $50,000 a year for stadium and field improvements. At the end of fiscal year 2003/2004, a trash compactor was encumbered in order to try and alleviate the high cost of trash disposal at the stadium during baseball season. Although the compactor was encumbered, the labor and materials to install the compactor could not be encumbered since City staff would be doing the installation. The remaining monies need to be re-appropriated in 2004/2005.
REQUEST FOR BUDGET ADJUSTMENT

Contact Person: Lisa Forester  Council Action Date: ______________________
Telephone No.: 577-6480  Resolution Number: ______________________
Department: Parks, Recreation and Neighborhoods  FY: 04-05
Fund Title: Centre Plaza FF&E  Transfer No. ______________________

<table>
<thead>
<tr>
<th>Fund-Agency-Object</th>
<th>Appr Unit</th>
<th>Current Budget</th>
<th>Increase/Decrease</th>
<th>Revised Budget</th>
<th>Description of Object</th>
</tr>
</thead>
</table>

DEPARTMENTAL REVENUES
FROM

TO

APPROPRIATIONS
FROM
6710-800-8000-8003  6710R  ($40,044)  ($40,044)  Centre Plaza FF&E Reserves

TO
6710 340 3420 5900  3420C  $91,354  $40,044  $131,398  FF&E Non-CIP Purchases

COMMENTS/JUSTIFICATION

The Furniture, Fixtures & Equipment Fund is funded each budget year from Centre Plaza revenues year for specific projects or purchases. There were purchases that were not completed or encumbered in Fiscal Year 2004-05 and the remaining funds need to be re-appropriated in FY 2004/2005.

<table>
<thead>
<tr>
<th>AUTHORIZATION (check if required)</th>
<th>SIGNATURE</th>
<th>DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>DEPARTMENT DIRECTOR or</td>
<td></td>
<td></td>
</tr>
<tr>
<td>AUTHORIZED ASSISTANT</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(Allocation of Dept Appr to Line-Item Level)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>FINANCE DIRECTOR</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(Transfers to/from Internal Service Charges)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(All items requiring City Manager's Approval)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>CITY MANAGER</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(Transfers between Budgeted Activities of Departments within Funds)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(Appropriation of Unbudgeted Dept Revenues)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(Transfers into Personnel Services)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Budget Office Form (Oct 2001) gh
REQUEST FOR BUDGET ADJUSTMENT

Contact Person: Lisa Forester
Telephone No.: 577-6480
Department: Parks, Recreation and Neighborhoods
Fund Title: Golf
FY: 04-05

Fund-Agency-Order-Object Appr Current Increase/ Revised Description of Object
Unit Budget (Decrease) Budget Object

DEPARTMENTAL REVENUES
FROM
6600 330 3311 4601 $367,500 $30,600 $398,100 Muni Green Fees
6600 330 3311 4602 $736,000 $51,500 $787,500 Dryden Green Fees
6600 330 3311 4603 $973,500 $65,600 $1,039,100 Creekside Green Fees
6600 330 3311 8155 $47,652 0 Misc Revenue

TO

APPROPRIATIONS
FROM

TO
6600 330 3316 0223 3300C $10,000 $6,000 $16,000 Repair & Maintenance Outside Services Professional
6600 330 3316 0235 3300C $0 $40,000 $40,000 Maintenance & Repair Supplies

COMMENTS/JUSTIFICATION

July 1, 2004 Green Fee Increases were not incorporated into the adopted budget. This adjustment increases green fees at all three golf courses, eliminates the $47,652 "plug" in miscellaneous revenue to balance the golf budget, increases expenditures to balance the budget and to cover unexpected costs including the unallowable $6,000 CFF expense expected to be charged back to the golf fund, the HVAC repairs at the Dryden Maintenance Shed, and the waste water pump repair at Dryden Golf Course.

SIGNATURE

DATE

DEPARTMENT DIRECTOR or AUTHORIZED ASSISTANT
(Allocation of Dept Appr to Line-Item Level)

FINANCE DIRECTOR
(Transfers to/from Internal Service Charges)
(All items requiring City Manager's Approval)

CITY MANAGER
(Transfers between Budgeted Activities of Departments within Funds)
(Appropriation of Unbudgeted Dept Revenues)
(Transfers into Personnel Services)

Budget Office Form (Oct 2001) ch
REQUEST FOR BUDGET ADJUSTMENT

Contact Person: Lisa Forester
Telephone No.: 577-6480
Department: Parks, Recreation and Neighborhoods
Fund Title: Modesto Centre Plaza

Council Action Date: 
Resolution Number: 
FY: 04-05
Transfer No. 

<table>
<thead>
<tr>
<th>Fund-Agency-Object</th>
<th>Appr Unit</th>
<th>Current Budget</th>
<th>Increase/ (Decrease)</th>
<th>Revised Budget</th>
<th>Description of Object</th>
</tr>
</thead>
<tbody>
<tr>
<td>DEPARTMENTAL REVENUES</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TO</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>APPROPRIATIONS</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6700-800-8000-8003</td>
<td>6700R</td>
<td>($2,145)</td>
<td>($2,145)</td>
<td>Centre Plaza Reserves</td>
<td></td>
</tr>
<tr>
<td>TO</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6700 340 3412 1027</td>
<td>3400C</td>
<td>$7,500</td>
<td>$2,145</td>
<td>$9,645</td>
<td>Parade of Lights Promotion</td>
</tr>
</tbody>
</table>

COMMENTS/JUSTIFICATION

Sponsorships for the Parade of Lights in downtown Modesto are obtained to offset those costs of the parade which exceed parade entry fees. Businesses donate money specifically to be used for the holiday parade. In Fiscal Year 2003/2004, all the donation revenues were not appropriated and thus need to be re-appropriated in FY 2004/2005 to be used for the Parade of Lights in December 2004 as intended by the donors.

<table>
<thead>
<tr>
<th>AUTHORIZATION (check if required)</th>
<th>SIGNATURE</th>
<th>DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>DEPARTMENT DIRECTOR or AUTHORIZED ASSISTANT (Allocation of Dept Appr to Line-Item Level)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>FINANCE DIRECTOR (Transfers to/from Internal Service Charges) (All items requiring City Manager's Approval)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>CITY MANAGER (Transfers between Budgeted Activities of Departments within Funds) (Appropriation of Unbudgeted Dept Revenues) (Transfers into Personnel Services)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Budget Office Form (Oct 2001) gh
MODESTO CITY COUNCIL
RESOLUTION NO. 2004-512

A RESOLUTION AUTHORIZING THE AWARD OF BID AND CONTRACT FOR THE FURNISHING OF ELEVATOR MAINTENANCE SERVICE AND REPAIR, TO THYSSENKRUPP ELEVATOR CORP., WEST SACRAMENTO, CA, FOR A THREE (3) YEAR AGREEMENT, WITH TWO (2) ONE-YEAR EXTENSION OPTIONS, FOR AN ESTIMATED ANNUAL COST OF $22,932

WHEREAS, the Parks, Recreation and Neighborhoods Department, Building Services Division, has requested elevator services for the City’s passenger and freight elevators located at the following sites: Centre Plaza Complex, John Thurman Field, McHenry Mansion, McHenry Museum, Police Department, Ninth Street Garage and Eleventh Street Garage, and

WHEREAS, the passenger elevators located at the Tenth Street Place and Tenth Street Garage are currently under contract for preventative maintenance service and repair with Otis Elevator Co., until August 31, 2005, and

WHEREAS, Request for Bid No. 0304-21 extends any resulting contract to other Government/Publicly funded agencies, if mutually agreeable to all parties, and

WHEREAS, it is the intention of the Parks, Recreation and Neighborhoods Department, Building Services Division, to transfer these services to ThyssenKrupp Elevator Corporation, once the current contract with Otis Elevator Co. expires, and

WHEREAS, on May 11, 2004, Council approved Resolution No. 2004-256, authorizing the Purchasing Supervisor to formally solicit bids for the furnishing of elevator maintenance service and repair, for a three (3) year agreement, with two (2) one-year extension options, and
WHEREAS, the Purchasing Supervisor solicited Request for Bid No. 0304-21, for the furnishing of elevator maintenance service and repair to nine (9) companies, posted the bid on the City’s web site, and formally advertised as required by law, and

WHEREAS, of the nine (9) companies solicited, two (2) companies chose to respond, and

WHEREAS, based on being the lowest responsive bid, City staff recommends the award of Bid No. 0304-21 and contract for the furnishing of elevator maintenance service and repair, to ThyssenKrupp Elevator Corp., West Sacramento, CA, for a three (3) year agreement, with two (2) one-year extension options, for an estimated annual cost of $22,932,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby awards Bid No. 0304-21 and the contract for the furnishing of elevator maintenance service and repair, to ThyssenKrupp Elevator Corp., West Sacramento, CA, for a three (3) year agreement, with two (2) one-year extension options, for an estimated annual cost of $22,932.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute said contract.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of October, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following votes:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

Jean Zahr, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich, City Attorney
A RESOLUTION REVISING THE POSITION CLASSIFICATION PLAN FOR THE CITY OF MODESTO.

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

WHEREAS, the Acting 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 following classifications:

1. Electrical Supervisor
2. Planning Technician I/II

The job specification for Electrical Supervisor is being revised as a result of a job audit recently completed on this classification. The revised specification for the classification of Electrical Supervisor as shown on the attached Exhibit “A,” which is hereby made a part of this resolution by reference, is hereby approved and made part of the Position Classification Plan of the City of Modesto.
The job specification for Planning Technician III is being revised as a result of a title change from Planning Technician III to Administrative Services Technician III. The revised specification for the classification of Administrative Services Technician III 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 October 5, 2004.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of October, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following votes:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr

JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
ELECTRICAL SUPERVISOR

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

DEFINITION

Under general administrative direction, to plan, organize, supervise and participate in a wide variety of electrical work in the installation, maintenance and repair of electrical, radio, and fiber optic control monitoring systems equipment, depending on assignment, and to perform a variety of technical tasks relative to assigned area of responsibility.

SUPERVISION RECEIVED AND EXERCISED

Receives direction from higher level management staff.

Exercises direct supervision over technical and other assigned staff.

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

ESSENTIAL AND MARGINAL FUNCTION STATEMENTS

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

Recommend and assist in the implementation of goals and objectives; establish schedules and methods for electrical services; implement policies and procedures.

Plan, prioritize, assign, supervise and review the work of staff involved in the maintenance and repair of utility, building, and street light electrical; traffic signals; Advanced Traffic Management System (ATMS); CCTV, and electronic communication systems.

Assign work projects to electrician staff and follow up to ensure the appropriate service level is provided.

Perform the full range of the electrician duties as required; design, install, maintain repair electric and electronic systems.

Maintain time, material and equipment use records. Requisition supplies and materials. Inspect the work of assigned staff while in progress; provide advice and assistance to subordinates; coach and evaluate subordinate staff on work performance.

Exhibit "A"
ESSENTIAL AND MARGINAL FUNCTION STATEMENTS (continued)

Evaluate operations and activities of assigned responsibilities; recommend and implement improvements and modifications; prepare various reports on operations and activities.

Participate in budget preparation and administration; prepare cost estimates for budget recommendations; submit justifications for electrical services activities; monitor and control expenditures.

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

Assist in coordinating electrical services activities with other City departments, divisions and sections, and with outside agencies.

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

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

Marginal Functions:

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Electrical codes and related ordinances and regulations.

Methods, practices and equipment used in electric, radio, fiber optic and electronic services and activities.

Operational, maintenance and repair characteristics of the electrical, radio, fiber optic, and electronic systems employed by the City.

CCTV operations and installation, Traffic Management systems, operation, and installation; traffic signals; street lighting and street lighting systems.

Principles of supervision, training and performance evaluation.
Knowledge of (continued):

Safe work practices.

Budgeting procedures and techniques.

Personal computer software applications including specialized programs related to assigned area.

Ability to:

Supervise and coordinate electrical and electronic installation, maintenance and repair services and activities.

Supervise, train and evaluate assigned staff.

Establishing schedules and implementing goals and objectives.

Keep Maintaining records and make preparing reports.

Repair electrical signal, lighting, control and alarm systems
Use electrical tools and equipment skillfully and safely.

Evaluating operations and activities.

Diagnose causes of electrical malfunction.

Read and follow electrical plans, specifications, schematics and diagrams.

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:

Four years of increasingly responsible experience in electrical services at the Journey level.

Training:

Equivalent to completion of the twelfth grade supplemented by specialized training in electronics and or electrical services, CCTV, fiber optics, radio and Advanced Traffic Management Systems.

License or Certificate

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

Possession of certificates issued by the International Municipal Signal Association in Traffic Signals Level I and II and Work Zone Safety are considered highly desirable based on assignment.

WORKING CONDITIONS

Environmental Conditions:

Field environment; travel from site to site. Hot and cold temperatures; inclement weather and confined spaces.

Physical Conditions:

Essential and marginal functions may require maintaining physical condition necessary for walking, standing, stooping, using ladder and working on uneven terrain and in confined spaces and sitting for prolonged periods of time; operating motorized equipment and vehicles; and using a personal computer.
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 provide technical assistance and support to the professional planning—staff in an assigned department; to do perform research gathering technical— and—statistical research; to assist with program monitoring and evaluation; to provide information to the general public, and to provide general technical support in a variety of ways which may include specialized program(s) and/or project(s).

DISTINGUISHING CHARACTERISTICS

Administrative Services Planning Technician I - This is the entry level class in the Planning Administrative Services Technician series. This class is distinguished from the Planning— Administrative Services Technician II by the performance of the more routine tasks under close supervision and duties assigned to positions within the series including to research, gather, and present data and information needed in the daily running operation of the department. Since this class is typically used as a training class, employees may have only limited or no directly related work experience. Some positions in this class are flexibly staffed. Those positions which are not flexibly staffed perform a relative narrow scope of routine duties. Those positions which are flexibly staffed normally advance to the II level after a minimum of 12 months and demonstration of proficiency which meets the requirements of the Administrative Services Technician II.

Administrative Services Planning Technician II - This is the full journey level class within the Planning Administrative Services Technician series. Employees within this class are distinguished from the Planning Administrative Services Technician I by the performance of the full range of more complex duties as assigned. This class is distinguished from the Planning Assistant in that the latter perform more complex technical duties. 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. Positions are characterized by the presence of fairly clear guidelines from which to make decisions and the availability of supervision in non-routine circumstances. Specific duties including the amount of public contact and direct support for functions of the unit will vary with the organizational unit to which assigned.

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

Provide technical assistance to departmental higher level planning staff; collect, research, verify and present data and information on a variety of topics for the planning staff; and assist in the preparation of various reports, such as the Urban Growth Policy Review report.

Conduct research using standard reference materials, interviews and field observation.

Assist in the compilation and analysis of statistical and other types of information.

Maintain administrative records for program/project area to which assigned; collect and input demographic and program data into automated systems.

Assist in maintaining databases and other records management systems.

Work with the City’s GIS system to create and update data.

Assist with maintaining the Department’s web site.

May conduct surveys in the field or over the phone.

Depending on assignment, assist the general public by providing information and addressing with zoning and street address a variety of requests and concerns.

When Assigned to Community & Economic Development Department-Planning Division:

Create and work with maps and drawings using computer programs such as AutoCAD and CorelDraw.

Post notices of hearings for the Planning Commission, City Council and Board of Zoning Adjustment in field; make deliveries.

Conduct background research on plan reviews and make recommendations for approval or denial; prepare notices and ownership lists; conduct field survey for additions.

Prepare notices for Planning Commission and Board of Zoning Adjustment hearings; prepare mailing list and mail notices for meetings.

Enter zoning changes on the city Zoning maps; verify accuracy of zoning descriptions.

Assist in the collection of data for annexations; assist in processing annexation applications.

Exhibit “B”
When Assigned to Public Works Department-Transit Division

Work with bus stop locations and improvements.
Take measurements and draw accurate maps of bus stops and surrounding features.
Maintain databases for bus stop locations, signage and associated street furniture.
Assist in the preparation and distribution of marketing materials.
Prepare bus stop schedules for placement at Modesto Area Express (MAX) bus stops.
Distribute and account for bus passes and other bus fare media.
Work with members of the public to resolve issues and concerns related to bus stops.
Ride buses and inspect various bus stops and other transit facilities to insure compliance for a variety of purposes.

Marginal Functions:
Perform related duties as assigned.

QUALIFICATIONS

Administrative Services Planning-Technician I

Knowledge of (depending on assignment):
Basic research methods and sources.
Various word processing and spreadsheet applications
Report writing techniques:
Principles, practices and techniques of drafting and graphic design.
Computer mapping and graphics creation and manipulation programs such as AutoCAD or CorelDraw, (depending on assignment).
The use and manipulation of GIS systems.
Principles and techniques of Web site design.
Ability to:

Learn principles, practices and trends in planning, zoning assigned area and land-use.

Learn pertinent applicable Federal, State, and local laws, codes and regulations.

May prepare maps, graphs, charts, site plans, and other descriptive material using computer graphics programs such as AutoCAD and CorelDraw, depending on assignment.

Provide service and information to the public on a variety of topics, developers and realtors regarding address and zoning regulation.

Collect, compile, analyze and interpret data.

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

Communicate clearly and concisely, both orally and in writing.

Use a computer to enter data into databases.

Make accurate mathematic calculations.

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:

No experience is required. Related experience including conducting research, report writing and extensive public contact is highly desirable.

Training:

Equivalent to the completion of the twelfth grade.

Additional specialized training in drafting, graphic design, computer graphic design, urban planning, surveying, engineering, mathematics, computer sciences or a related field is desirable based on assignment.
Administrative Services Planning Technician II

In addition to the qualifications for Administrative Services Planning Technician I:

Knowledge of:

Administrative Services Technician II, Knowledge of, Continued:

Principles, practices and trends in planning and land use related to specific assignment.

Procedures for gathering population and land use a variety of data.

Basic practices of City planning:

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

Statistical and engineering practices as applied to planning specific assignment.

Ability to:

Independently research required background information for planning studies.

Conduct special projects and statistical studies.

Experience and Training Guidelines

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

Experience:

Two years of responsible technical planning related experience including conducting research, report writing and extensive public contact.

Training:

Equivalent to the completion of the twelfth grade. Additional specialized training in drafting, graphic design, urban planning, surveying, engineering, mathematics, computer science, the physical sciences or a related field is desirable.

License or Certificate

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

Exhibit "B"
WORKING CONDITIONS

Environmental Conditions:

Office and/or field environment.

Physical Conditions:

Essential and marginal functions may require maintaining physical condition necessary for viewing a computer screen and sitting for prolonged periods of time; working in a field environment around traffic and in uneven terrain; lifting and moving boxes weighing approximately 30 lbs; setting up and tearing down displays, and bending and stooping to take measurements.
MODESTO CITY COUNCIL
RESOLUTION NO. 2004-514

A RESOLUTION AMENDING EXHIBIT “A” OF RESOLUTION NO. 2003-178 (MODESTO CONFIDENTIAL AND MANAGEMENT ASSOCIATION MEMORANDUM OF UNDERSTANDING) TO AMEND THE CLASS RANGE TABLE FOR REPRESENTED MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES TO CHANGE THE CLASS RANGE TABLE FOR THE ELECTRICAL SUPERVISOR FROM RANGE 434 TO RANGE 436.

WHEREAS, the City Council desires to amend Exhibit “A” of Resolution No. 2003-178 (MCMA Memorandum Of Understanding),

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

SECTION 1. AMENDMENT TO RESOLUTION NO. 2003-178. (MCMA Memorandum of Understanding), Resolution No. 2003-178 Effective April 8, 2003, is hereby amended as shown on the amended Exhibit “A” entitled “City of Modesto Class Range Table Represented Management and Confidential Non-Sworn Classes Effective October 5, 2004, 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 Electrical Supervisor from Range 434 to Range 436.

SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after October 5, 2004.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of October, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following votes:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

(SEAL)

APPROVED AS TO FORM: 

By [Signature]

MICHAEL D. MILICH, City Attorney
<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
</tr>
</thead>
<tbody>
<tr>
<td>403</td>
<td>Administrative Office Assistant I (Confidential)</td>
</tr>
</tbody>
</table>
| 407   | Administrative Clerk II (Confidential)  
|       | Administrative Office Assistant II (Confidential) |
| 408   |                                                 |
| 409   |                                                 |
| 410   |                                                 |
| 411   | Administrative Office Assistant III (Confidential)  
|       | Police Clerk II (Confidential) |
| 412   |                                                 |
| 413   | Administrative Technician (Confidential) |
| 414   |                                                 |
| 415   | Senior Administrative Office Assistant (Confidential)  
|       | Secretary |
| 416   |                                                 |
| 417   |                                                 |
| 418   | Legal Secretary  
|       | Systems Technician I |
| 419   | Public Information Technician (Confidential) |
| 420   | Accountant I (Confidential)  
|       | Deputy City Clerk  
|       | Employee Benefits Coordinator  
|       | Executive Secretary (Represented)  
<p>|       | Legal Services Technician |
| 421   |                                                 |</p>
<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
</tr>
</thead>
</table>
| 422   | Office Supervisor  
Utility Dispatch Supervisor  
Workers' Compensation Claims Examiner I  
Systems Technician II |
| 423   | Custodian Supervisor |
| 424   | Assistant Planner  
Buyer  
Police Facilities Coordinator |
| 425   | Administrative Analyst I |
| 426   | Police Civilian Supervisor  
Stores Manager  
Systems Technician III |
| 427   | Assistant City Clerk/Auditor  
Legal Services Administrator  
Workers' Compensation Claims Examiner II |
| 428   | Accountant II (Represented)  
Senior Buyer |
| 429   | |
| 430   | Associate Planner  
Community Services Supervisor  
Events Supervisor I  
Junior Civil Engineer  
Junior Traffic Engineer  
Senior Crime Analyst  
Software Analyst I |
| 431   | Administrative Analyst II  
Assistant Risk Manager  
Budget Analyst I  
Personnel Analyst  
Recycling Program Coordinator  
Senior Community Development Program Specialist |

Exhibit "A"
<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
</tr>
</thead>
</table>
| 432   | Communications Specialist  
Customer Services Supervisor  
Neighborhood Preservation Supervisor  
Operations and Maintenance Supervisor  
Recreation Supervisor II  
Senior Accountant  
Water Quality Control Maintenance Supervisor  
Water Quality Control Operations Supervisor |
| 433   | Organizational Development Specialist |
| 434   | Assistant Civil Engineer  
Assistant Traffic Engineer  
Budget Analyst II  
Events Supervisor II  
Environmental Laboratory Supervisor  
Operations Supervisor  
Regulatory Compliance Supervisor  
SCADA Supervisor  
Senior Housing Rehabilitation Specialist  
Senior Programmer Analyst  
Software Analyst II  
Systems Engineer I |
| 435   | Business Analyst  
Cultural Services Manager  
Integrated Waste Specialist  
Management Analyst  
Senior Personnel Analyst |
| 436   | **Electrical Supervisor**  
Senior Planner |
<p>| 437   | |</p>
<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
</tr>
</thead>
</table>
| 438   | Budget Officer  
           Housing Program Supervisor  
           Land Surveyor  
           Property Agent  
           Purchasing Supervisor  
           Senior Business Analyst  
           Software Analyst III  
           Systems Engineer II |
| 439   | Administrative Services Officer  
           Community Facilities Districts Administrative Officer |
| 440   | Associate Civil Engineer  
           Associate Traffic Engineer  
           Transportation Planner |
| 441   | Airport Manager  
           Building Maintenance Superintendent  
           Fire Marshal  
           Fleet Manager  
           Parks Operations Superintendent  
           Parks Planning and Development Manager  
           Recreation Superintendent  
           Solid Waste Program Manager  
           Streets Engineer  
           Transit Manager  
           Urban Forestry Superintendent  
           Wastewater Collections Superintendent  
           Water Superintendent |
| 442   | Customer Services Division Manager  
           Manager of Budget and Financial Analysis  
           Software Analyst IV  
           Supervising Building Inspector  
           Supervising Construction Inspector  
           Systems Engineer III |
<p>| 443   | |</p>
<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
</tr>
</thead>
</table>
| 444   | Deputy Chief Building Official  
        | Principal Planner              |
| 445   | Accounting Division Manager    |
| 446   | Water Quality Control Superintendent  
        | Information Technology Unit Manager |
| 447   | Business Development Division Manager  
        | Chief Building Official  
        | Planning Division Manager  
        | Senior Civil Engineer  
        | Traffic Engineer |
| 448   |       |
| 449   |       |
| 450   |       |
| 451   |       |
| 452   |       |
| 453   |       |
| 455   |       |
MODESTO CITY COUNCIL
RESOLUTION NO. 2004-515

A RESOLUTION AMENDING EXHIBIT "A" OF RESOLUTION NO. 95-26 TO REVISE THE CLASS RANGE TABLE FOR GENERAL NON-SWORN CLASSES TO CHANGE THE TITLE OF PLANNING TECHNICIAN I/II TO ADMINISTRATIVE SERVICES TECHNICIAN I/II.

WHEREAS, the City Council desires to amend Exhibit "A" of Resolution No. 95-26,

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

SECTION 1. AMENDMENT TO RESOLUTION NO. 95-26. Exhibit "A" entitled "City of Modesto Class Range Table General Non-Sworn Classes Effective January 10, 1995," attached to Resolution No. 95-26, is hereby amended as shown on the amended Exhibit "A" entitled "City of Modesto Class Range Table General Non-Sworn Classes Effective October 5, 2004," which is attached hereto and made a part hereof as though set forth in full herein. Said amended Exhibit "A" changes the title of Planning Technician I to Administrative Services Technician I at Range 115 and changes the title of Planning Technician II to Administrative Services Technician II at Range 119.

SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after October 5, 2004.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of October, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following votes:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
### CITY OF MODESTO
### CLASS RANGE TABLE
### GENERAL NON-SWORN CLASSES
### Effective October 5, 2004

<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
</tr>
</thead>
<tbody>
<tr>
<td>101</td>
<td>Custodian I</td>
</tr>
<tr>
<td>103</td>
<td>Administrative Office Assistant I</td>
</tr>
<tr>
<td>104</td>
<td></td>
</tr>
<tr>
<td>105</td>
<td></td>
</tr>
<tr>
<td>106</td>
<td></td>
</tr>
</tbody>
</table>
| 107   | Administrative Office Assistant II  
          Custodian II  
          Police Clerk I |
| 108   | |
| 109   | |
| 110   | Animal Control Officer I  
          Security Officer  
          Equipment Service Worker I  
          Maintenance Worker I |
| 111   | Account Clerk  
          Administrative Office Assistant III  
          Police Clerk II |
| 112   | |
| 113   | Administrative Technician  
          Computer Operator  
          Drafting and Graphics Technician |
| 114   | Electrical Technician I  
          Equipment Service Worker II  
          Evidence and Property Specialist  
          Maintenance Worker II  
          Production Technician  
          Storeskeeper |

Exhibit “A”
<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
</tr>
</thead>
</table>
| 115   | Accounting Technician  
Administrative Services Technician I  
Animal Control Officer II  
Code Enforcement Officer I  
Community Service Officer I  
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   | Fleet Procurement Specialist  
Parking Lot Maintenance Crewleader  
Parks Crewleader  
Recreation Coordinator  
Senior Storeskeeper  
Tree Trimmer |
| 119   | Administrative Services Technician 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 |
<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
</tr>
</thead>
</table>
| 120   | Accountant I  
       | Assistant Electrician  
       | Equipment Mechanic  
       | Fire Prevention Technician II  
       | Laboratory Analyst I  
       | Senior Equipment Operator  
       | Traffic Painter Crewleader  
       | Water Resource Specialist I  
       | Welder/Fabricator |
| 121   | Wastewater Treatment Plant Relief Operator |
| 122   | Coach 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  
       | Coach Mechanic Crewleader  
       | Electrician  
       | Housing Financial Specialist  
<pre><code>   | Housing Rehabilitation Specialist I |
</code></pre>
<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
</tr>
</thead>
</table>
| 127   | Civil Engineering Assistant  
       | Identification Technician II  
       | Senior Fire Equipment Mechanic |
| 128   | Community Development Program Specialist II  
       | Environmental Compliance Inspector II  
       | Instrument Repair Technician  
       | Senior Wastewater Treatment Plant Operator |
| 129   |       |
| 130   | Building Inspector II  
       | Construction Inspector  
       | Housing Rehabilitation Specialist II  
       | Project Coordinator |
| 131   | Senior Civil Engineering Assistant |
| 132   | Senior Environmental Compliance Inspector |
| 133   |       |
| 134   | Deputy Fire Marshal  
       | Plan Review Engineer  
       | Senior Building Inspector  
       | Senior Construction Inspector |

Exhibit "A"
MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-516

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

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

WHEREAS, the Acting 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. CLASSIFICATIONS AMENDED. The Position Classification Plan of the City of Modesto is hereby amended to revise the job specifications for the following classifications:

1. Water Distribution System Operator
2. Accountant II
3. Maintenance Mechanic – Pumps
4. Senior Construction Inspector
5. Coach Mechanic
Said classifications are being amended to revise the job specifications to more accurately reflect the requirements of the various job classifications. The Coach Mechanic job specification is also being revised to change the title to Heavy Equipment Mechanic.

SECTION 2. CLASSIFICATION DELETED. The Position Classification Plan of the City of Modesto is hereby amended to delete the classification of Senior Programmer Analyst. Said classification is no longer being used.

SECTION 3. EFFECTIVE DATE. This resolution shall become effective on and after October 5, 2004.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of October, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following votes:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

APPROVED AS TO FORM:

By [Signature]

MICHAEL D. MILICH, City Attorney
WATER DISTRIBUTION SYSTEM OPERATOR

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

DEFINITION

Under general supervision, perform skilled and semi-skilled labor in the full range of assigned duties related to the Water Distribution System. This may include construction, maintenance, repair, and meter reading activities.

SUPERVISION RECEIVED AND EXERCISED

Receives general supervision from higher level supervisory and management staff. May exercise technical and functional supervision of other maintenance staff.

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

Essential Functions:

Lay and fit pipelines, make water line taps, install water services, fire hydrants, blow-offs, valves, meters, vaults, boxes, exercise valves, locate and mark services and mains for Underground Service Alert.

Flush water mains and services to maintain a safe, potable water system.

Respond to emergencies including flood, line breaks and overflows, and repair and restore system as required.

Respond to customer water problems including leaks, low water pressure, meter connects and disconnects, and unusual meter readings.

Collect water samples from wells, mains and services for lab testing.

Read and update water distribution maps and as-built plans and blueprints; analyze projected new routes.
ESSENTIAL AND MARGINAL FUNCTION STATEMENTS (Continued)

Identify and locate service and main leaks for heavy crews; operate pipe locators and gas-sensing equipment; install and inspect backflow devices; raise and maintain water meters above ground.

Excavate trenches and install shoring; back fill trenches with proper material to achieve correct compaction.

Operate construction equipment and power tools such as dump trucks, front-end loaders, tampers, tap machines, pavement saw, cutting torch and welder.

Operate hand-held and office computers to enter and retrieve data; prepare written and computerized records and reports, and review reports for accuracy.

Install street barricades, cones, flags and standards prior to the performance of construction and repair activities; direct and control traffic around work sites.

Tactfully respond to requests and inquiries from customers of the water utility and from the general public.

Identify equipment needs for each assigned project.

Utilize proper safety precautions related to all work performed.

Perform work in emergency situations as required.

Perform on-call duties as required.

Marginal Functions:

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Methods, techniques, and tools, and the operational characteristics of mechanical equipment used in the construction, maintenance and repair of water utility facilities and meters.
QUALIFICATIONS (Continued)

Methods and procedures used in monitoring water systems.

Practices for collection of water samples.

Basic arithmetic principles.

Disinfection (chlorination) rules and regulations.

Safe work practices.

Ability to:

Perform skilled and semi-skilled maintenance, construction, and repair work in the area of work assigned.

Handle contaminated materials and equipment.

Identify equipment, tools and materials needed for each project.

Fabricate tools and equipment if needed for project.

Identify possible or potential sources of contamination and how to deal with it to ensure a safe water system.

Disassemble water meters, clean meter parts; reassemble meters; test and adjust meters; install and remove meters; check for proper operation of meters.

Perform heavy manual labor, including but not limited to lifting and carrying 100 pounds of weight, climbing, bending, stooping, etc.

Understand and follow oral and written instructions.

Work in confined areas.

Work in deep trenches and follow trenching and shoring safety standards.

Use and operate hand tools, mechanical equipment, power tools, and other equipment required for the work in a safe and efficient manner.
QUALIFICATIONS (Continued)

Read and interpret basic maps and blueprints.

Establish and maintain cooperative relationships with those contacted during 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:

One year of increasingly responsible experience performing field maintenance duties. Work experience with a municipal or private water utility is highly desirable.

Training:

Equivalent to graduation from High School or possession of a G.E.D. certificate.

License or Certificate

Possession of an appropriate and valid California driver's license.

Possession of a Grade III Water Distribution Operator Certificate issued by the State Department of Health Services American Water Works Association (AWWA) is required within two years, 18 months of appointment.

Possession of a Backflow Tester Certificate issued by the American Water Works Association (AWWA) is highly desirable.
WORKING CONDITIONS:

Environmental Conditions:

Field environment; travel from site to site. Hot and cold temperatures; inclement weather; exposure to heavy traffic and other hazards in confined spaces with possible hazardous materials.

Physical Conditions:

Essential and marginal functions may require lifting/carrying objects of up to 100 pounds of weight, maintaining physical condition necessary for walking, standing for long periods of time, crawling; operating motorized equipment and vehicles.

Work Assignment:

Must be willing to work overtime and off hours in emergency situations.
ACCOUNTANT II

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 professional level accounting and auditing work; to record and report financial transactions for the City in accordance with generally accepted accounting principles; to review accounting records for accuracy; and to prepare financial reports, statements, and special financial analyses for both internal and external customers; to review accounting transactions for accuracy and to supervise the activities and staff of the payroll, accounts receivable, or accounts payable function. May supervise the activities and staff of an assigned function.

SUPERVISION RECEIVED AND EXERCISED

Receives direction from the higher level accounting staff, senior level management staff.

May exercise direct supervision over technical and clerical accounting staff.

DISTINGUISHING CHARACTERISTICS

This is the full journey level class fully trained professional level in the professional accounting series and is distinguished from the I level by the ability to perform the full range of assigned duties with only instruction or assistance as unusual or unique situations arise. Positions in this class also have may be assigned supervisory responsibility over a function and/or staff such as payroll, accounts payable or accounts receivable.

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

Essential Functions:

- Maintain and reconcile a variety of ledgers and accounts; examine all accounting transactions to ensure for accuracy; correct financial records accounting transactions as necessary.

- Assist in monitoring various accounts, verifying availability of funds and classification of expenditures; research and analyze transactions to resolve problems.
Perform comprehensive financial activity studies as directed; Assist in preparing of the annual financial reports for internal as well as external purposes.

Recommend or implement changes in accounting and auditing systems, policies and procedures.

Prepare a variety of management financial reports for the Finance Director, City Manager and other City departments.

Review and evaluate laws, controls, grants and administrative policies for guidelines in performing accounting and fiscal operations.

Prepare a variety of financial documents and reports.

Prepare spreadsheets and other account data for the annual audit.

Prepare clear and concise reports, records, correspondence and other written material.

Marginal Functions:

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Generally accepted accounting principles and procedures.

Governmental accounting principles and practices as it pertains to assigned function.

Principles and procedures of account classification and auditing.


Application of generally accepted accounting principles and procedures to a variety of accounting audits, transactions and problems.

Use of automated financial management systems, spreadsheet applications, word processing, and other related software.
Knowledge of: (Continued)

- Financial research and report preparation methods and techniques.
- Account reconciliation principles.
- Principles and practices of organization, administration and personnel management.
- Pertinent Applicable Federal, State and local laws, codes and regulations affecting governmental fiscal operations.
- Principles of training and supervision.
- Technical report writing principles.
- Basic statistical techniques.

Ability to:

- Apply generally accepted accounting principles to the maintenance of financial accounting transactions and/or auditing of financial records.
- Prepare, or assist in the preparation of, a variety of complex financial statements, reports and analyses.
- Examine and verify a wide variety of financial documents and reports transactions and make necessary corrections.
- Research, analyze and make effective recommendations on accounting work processes and fiscal practices.
- Conduct fiscally sound audits of financial records.
- Apply Federal, State and local laws and regulations pertaining to accounting and auditing work.
- 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:

Two years of professional governmental level accounting/ and auditing experience. Experience including in governmental accounting, grant accounting and auditing is desirable.

Training:

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

WORKING CONDITIONS

Environmental Conditions:

Office environment.

Physical Conditions:

Essential and marginal functions may require maintaining physical condition necessary for sitting, standing, bending, and stooping for prolonged periods of time and occasional lifting; using various office equipment including a computer screen and keyboard.
MAINTENANCE MECHANIC – PUMPS

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 variety of skilled and semiskilled tasks in the maintenance, repair and service of water, sewer and storm drain lift stations.

SUPERVISION RECEIVED AND EXERCISED

Receives general supervision from higher-level supervisory staff.

May exercise technical supervision over lower level maintenance staff.

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

Essential Functions:

Inspect, maintain, troubleshoot, repair and service facilities, machinery and equipment including pumps, valves, motors, engines, compressors and computerized pneumatic and odor control systems.

Rebuild and overhaul pumps, pneumatic control systems, and ventilation blower units.

Read and interpret blueprints; provide input on design blueprints and recommend changes before finalization.

Operate and maintain a variety of equipment and tools in the performance of maintenance tasks.

Operate steam cleaner.

Fabricate parts and equipment including mounts, brackets and shields; operate welding and cutting equipment.
Essential Functions: (Continued)

Perform preventive maintenance checks and servicing on equipment; develop maintenance schedules.

Inspect and calibrate gauges and meters; inspect and test air quality analyzers.

Spray pesticides, herbicides and insecticides as required.

Coordinate activities with other departments and divisions; recommend improvements to design, installation, and maintenance of lift stations.

Train maintenance staff in confined space entry procedures and lift station maintenance safety procedures.

Maintain inventory of supplies, parts and equipment used in pump station maintenance.

Respond to public concerns regarding water quality problems.

Collect state-mandated water and/or stormwater samples.

Perform plumbing, electrical, and carpentry duties as required.

Keep detailed maintenance records.

Additional duties when assigned to Water:

Operate portable sample pump.

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

Flush distribution system to maintain water quality.

Initiate well and water distribution system disinfection procedures.

Maintain and operate chemical feed systems and perform dosage computations.

Install, maintain, and calibrate hypochlorinators.

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

- Monitor and maintain wellhead water treatment units and storage reservoirs.
- Perform concrete repair including sawing, pouring, finishing and jack hammering.
- Perform call-duty as assigned.

Additional duties when assigned to Collections:

- Maintain mechanical seals, lubricate, clean and paint pumping equipment and motors.
- Practice the CAL-OSHA required confined space safety rules and regulations when working in confined spaces.
- Monitor and maintain wastewater lift station odor control soil filter beds.
- Monitor and maintain wastewater lift station chemical injection – odor/corrosion control systems.
- Coordinate activities with the Environmental Services Division to inspect, monitor and assess hazardous material spills and illegal discharges into the wastewater and stormwater collection systems.

Marginal Functions:

- Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

- Principles, methods, materials, and tools employed in the repair and maintenance of pumps, motors, and related equipment.
- Safety procedures for confined space entry.
- Basic plumbing and electrical principles.
- Principles and practices of hydraulics related to pumps.
- Practices and techniques of metal cutting and welding.
QUALIFICATIONS (Continued)

Preventive maintenance and inspection methods.

Appropriate safety practices and regulations.

Supervisory Control and Data Acquisition (SCADA) computerized pump control system.

Water and/or stormwater sampling methods.

Additional "Knowledge of" when assigned to Water Division:

Water disinfection procedures.

Safety procedures in handling chlorine.

Additional "Knowledge of" when assigned to Collections:

Confined Space Safety-Entry Procedures.

Safety procedures in handling of chemicals used in odor and corrosion control.

Ability to:

Independently perform a variety of skilled and complex repair, maintenance, servicing, and cleaning tasks involving pumps, motors, and computerized and pneumatic controls.

Read and interpret blueprints.

Perform medium-heavy manual labor, including but not limited to lifting up to 75 pounds, climbing, bending, and stooping.

Troubleshoot and diagnose malfunctions with pumping capacities, pneumatic controls, computerized controls and determine effective course of action for correcting them.

Work in confined work spaces.

Understand and carry out oral and written directions.

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:

One year of experience comparable to a Water Distribution System Operator or a Wastewater Collection System Operator.

Training:

Equivalent to high school diploma or G.E.D. supplemented by specialized training in the areas of mechanical maintenance and repair.

License or Certificate:

Possession of, or ability to obtain, an appropriate, valid California Driver’s license. When assigned to Water, must obtain a Class B driver’s license with hazardous materials and tank endorsements within 45 days of appointment. Failure to obtain the required license may result in release from probation or termination.

When assigned to Collections:

Possession of a California Water Environmental Association (CWEA) Plant Maintenance-Grade I Certification is desirable.

Possession of a CWEA Mechanical Technologist-Grade II is desirable.

Possession of a CWEA Collections Systems Maintenance Technologist Grade I or II Certification is desirable.

When assigned to Water:

Possession of a Water Distribution Operator Grade III Certification issued by the State of California Department of Health Services is required within two years of appointment. Failure to obtain this certificate may result in demotion to the previously held position (promoted employee) or release from employment (person hired from the outside into a position).

Possession of a Water Sampling Certificate is desirable.

Possession of a Grade I, Water Treatment Plant Operator Certificate issued by the State of California Department of Health Services is
desirable required at the time within one year of appointment. Failure to obtain this certificate may result in demotion to the previously held position (promoted employee) or release from employment (person hired from the outside into a position).

WORKING CONDITIONS

Environmental Conditions:

Field environment, travel from site to site, exposure to hot and cold temperatures, inclement weather, hazards of confined spaces and other hazardous materials.

Physical Conditions:

Essential and marginal functions may require maintaining physical condition necessary for medium-heavy lifting up to 75 pounds, walking, standing, bending, stooping and crawling for prolonged periods of time; operating motorized equipment and vehicles.
SENIOR CONSTRUCTION INSPECTOR

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 variety of public works construction project inspection duties at various stages of alteration and repair; to provide technical assistance to other inspection staff; and to provide information and assistance to the public.

SUPERVISION RECEIVED AND EXERCISED

Receives general supervision from the Supervising Construction Inspector.

Exercises functional supervision over construction inspection staff.

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

Essential Functions:

Inspect a variety of public works construction projects for adherence to plans and specifications such as subdivision and major street construction and reconstruction, sidewalks, curbs, and gutters, waterlines, storm drains, sewer lines, sprinkler systems, airport facilities, street lighting facilities, public buildings and structures, parks and park facilities.

Approve construction procedures and authorize the use of construction materials; enforce compliance with approved plans and specifications.

Provide technical assistance and educational programs to other construction inspection staff.

Confer with architects, contractors and the general public in the field and office; explain and interpret requirements and restrictions.

Monitor traffic control problems at construction site and coordinate corrections if necessary.
ESSENTIAL AND MARGINAL FUNCTION STATEMENTS (Continued)

Record amounts of materials used and work performed; prepare necessary reports for progress payments.

Review plans and specifications of assigned project; attend pre-construction conferences as necessary.

Perform a variety of field tests including soil tests and other materials testing.

Observe work during progress and upon completion; monitor contractor workforce for adequate staffing levels.

Inspect adjacent properties for damage from construction activity.

Confer with the public regarding project schedule, hazards and inconvenience.

Coordinate work with other City departments and utilities.

Prepare a variety of activity records and reports; maintain as-built notes for each set of plans.

Evaluate and negotiate contract change orders related to construction.

Marginal Functions:

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Principles, methods; materials, equipment and safety hazards of construction inspection.

Defects and faults in construction.

Basic mathematics including algebra, geometry, and trigonometry.

Basic soil mechanics and geology.
QUALIFICATIONS (Continued)

- Materials sampling and estimate procedures.
- Engineering mechanics of structures.
- Applicable laws, regulations, codes and departmental policies governing the construction of assigned projects.
- Research methods and sources of information related to construction inspection.

Ability to:

- Provide technical assistance and supervision to other construction inspection staff.
- Understand and interpret engineering plans and specifications and prepare accurate engineering records.
- Detect and locate faulty materials and workmanship and determine the stage of construction during which defects are most easily found and remedied.
- Address issues from contractors, engineers, and members of the public in an assertive and tactful manner.
- Apply technical knowledge and follow proper inspection techniques to examine workmanship and materials, and detect deviations from plans, regulations, and standard construction practices.
- Work independently without supervision.
- Communicate clearly and concisely, both orally and in writing.
- Establish and maintain cooperative working relationships with those contacted in the course of work.
- Use basic computer software programs.
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:

Training:

Equivalent to an Associate of Arts degree from an accredited college with major course work in civil engineering, construction technology or a related field.

Experience:

Three years of increasingly responsible experience performing construction inspection in a variety of public works or related construction projects, such as preparing daily reports, monitoring change order work, evaluating material testing results, preparing correction notices and obtaining corrective action, and preparing monthly progress payments; including one (1) year of experience as a Construction Inspector for the City of Modesto in a public agency.

License or Certificate

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

WORKING CONDITIONS

Environmental Conditions:

Office and field environment; travel from site to site.

Physical Conditions:

Essential and marginal functions may require maintaining physical condition necessary for walking or standing for prolonged periods of time; operate motorized equipment and vehicles; occasionally lifting and carrying up to fifty (50) pounds.
CITY OF MODESTO
NO. 6190

COACH HEAVY EQUIPMENT MECHANIC

DEFINITION

To maintain and make minor and major repairs to the City's transit coaches, buses, and other gas and diesel powered vehicles.

SUPERVISION RECEIVED AND EXERCISED

Receives general supervision from higher level Equipment Maintenance staff.

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

Essential Functions:

Inspect, diagnose, and locate mechanical difficulties on City transit coaches, buses, and a variety of other diesel and gasoline powered equipment as required.

Weld, fabricate and assemble parts and equipment for City transit coaches, buses; weld, braze, cut shape and fasten metal parts; fabricate and weld, vehicle frames, chassis, and exhaust systems.

Use welding equipment, drill presses, lathes, grinders and a large assortment of other power and hand tools and measurement instruments required for journey level fabrication work.

Overhaul, repair, and adjust engines, transmissions, differentials, valves and air and hydraulic systems.

Tune up engines, replacing electrical and electronic parts and cleaning and adjusting fuel injection systems.

Replace or repair faulty parts including wheel bearings, clutches, or oil seals, shock absorbers, exhaust systems, steering mechanisms, and related parts and equipment.

Diagnose and repair such components as generators, alternators, distributors, relays, lights and switches.

Maintain and repair air conditioning and climate systems.
Essential Functions: (Continued)

Diagnose and repair wheel chair lifts, and coin collection equipment.
Make roadside repairs as required.
Maintain work, time, and material records.

Diagnose and repair various electronic and computer controlled devices.
Perform smog certification on City-owned vehicles.

Diagnose and repair emissions systems.

Marginal Functions:

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Tools, equipment, and procedures used in the overhaul, repair, and adjustment of transit coaches buses and other gas and diesel powered equipment.

Operation and care of internal combustion engines and hydraulic equipment.

Methods, materials, equipment and tools used in welding and fabrication work.

Operating and repair characteristics of City transit coaches buses.

Safe work practices.

Computers and electronics in vehicle applications.

Ability to:

Perform skilled welding and fabrication work.

Perform minor and major mechanical work on mechanical equipment.

Use a variety of tools, testers and equipment with skill.
MODESTO CITY COUNCIL
RESOLUTION NO. 2004-517

A RESOLUTION AMENDING EXHIBIT "A" OF RESOLUTION NO. 95-26 TO REVISE THE CLASS RANGE TABLE FOR GENERAL NON-SWORN CLASSES TO REVISE THE JOB SPECIFICATIONS OF MAINTENANCE MECHANIC-PUMPS, SENIOR CONSTRUCTION INSPECTOR, WATER DISTRIBUTION SYSTEM OPERATOR, AND TO CHANGE THE TITLE OF COACH MECHANIC TO HEAVY EQUIPMENT MECHANIC.

WHEREAS, the City Council desires to amend Exhibit "A" of Resolution No. 95-26,

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

SECTION 1. AMENDMENT TO RESOLUTION NO. 95-26. Exhibit "A" entitled "City of Modesto Class Range Table General Non-Sworn Classes Effective January 10, 1995," attached to Resolution No. 95-26, is hereby amended as shown on the amended Exhibit "A" entitled "City of Modesto Class Range Table General Non-Sworn Classes Effective October 5, 2004," which is attached hereto and made a part hereof as though set forth in full herein. Said amended Exhibit "A" revises the job specifications for Maintenance Mechanic-Pumps remaining at Range 119, Senior Construction Inspector at Range 134, Water Distribution System Operator remaining at Range 116 and changes the title of the Coach Mechanic to Heavy Equipment Mechanic remaining at Range 122.

SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after October 5, 2004.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of October, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following votes:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: ________________________

JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By ________________________

MICHAEL D. MILICH, City Attorney
QUALIFICATIONS (Continued)

Maintain a variety of shop and repair records.

Understand and operate a computerized Fleet Management System.

Understand and carry out oral and written directions.

Perform journey level equipment mechanical work including the troubleshooting of equipment for both major and minor repair work.

Work independently in the absence of supervision.

Accurately determine mechanical appropriate repair needs and estimate the cost and time of repairs.

Occasionally perform heavy lifting of objects up to 100 pounds.

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:

Three years of increasingly responsible experience performing automotive and heavy equipment maintenance and repair duties.

Training:

Equivalent to completion of the twelfth grade and specialized training in the maintenance and repair of gas and diesel powered equipment.

License or Certificate:

Possession of, or ability to obtain, an appropriate, valid California driver's license. Must obtain a Class B commercial California driver's license within 45 days of appointment.
Possession of, or ability to obtain, an appropriate, valid Vehicle Inspection Pollution Controls license.

EXPERIENCE AND TRAINING GUIDELINES (Continued)

Possession of, or ability to obtain, an appropriate, valid Motor Vehicle Air Conditioning Certification is desirable.

Possession of Certification from the National Institute for Automotive Service Excellence (ASE) in at least three (3) areas in heavy-duty class is required within one year of appointment.

Special Requirements:

Possession of a complete set of mechanic hand tools through 1-1/2" and tool box.

WORKING CONDITIONS

Environmental Conditions:

Field environment, travel from site to site, exposure to hot and cold temperatures, inclement weather, hazards of confined spaces and other hazardous materials.

Physical Conditions:

Essential and marginal functions may require maintaining physical condition necessary for heavy lifting up to 100 pounds, walking, standing, bending, stooping and crawling for prolonged periods of time; operating motorized equipment and vehicles.
<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
</tr>
</thead>
<tbody>
<tr>
<td>101</td>
<td>Custodian I</td>
</tr>
<tr>
<td>103</td>
<td>Administrative Office Assistant I</td>
</tr>
<tr>
<td>104</td>
<td></td>
</tr>
<tr>
<td>105</td>
<td></td>
</tr>
<tr>
<td>106</td>
<td></td>
</tr>
</tbody>
</table>
| 107   | Administrative Office Assistant II  
Custodian II  
Police Clerk I |
| 108   | |
| 109   | |
| 110   | Animal Control Officer I  
Security Officer  
Equipment Service Worker I  
Maintenance Worker I |
| 111   | Account Clerk  
Administrative Office Assistant III  
Police Clerk II |
| 112   | |
| 113   | Administrative Technician  
Computer Operator  
Drafting and Graphics Technician |
| 114   | Electrical Technician I  
Equipment Service Worker II  
Evidence and Property Specialist  
Maintenance Worker II  
Production Technician  
Storeskeeper |
<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
</tr>
</thead>
</table>
| 115   | Accounting Technician  
|       | Animal Control Officer II  
|       | Code Enforcement Officer I  
|       | Community Service Officer I  
|       | Planning Technician I  
|       | 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   | Fleet Procurement Specialist  
|       | Parking Lot Maintenance Crewleader  
|       | Parks Crewleader  
|       | Recreation Coordinator  
|       | Senior Storeskeeper  
|       | Tree Trimmer  |
| 119   | Assistant Buyer  
|       | Building Maintenance Mechanic  
|       | Civil Engineering Technician I  
|       | Code Enforcement Officer II  
|       | Community Service Officer II  
|       | Maintenance Mechanic – Parks  
|       | Maintenance Mechanic – Pumps  
|       | Planning Technician II  
|       | Public Information Technician  
<p>|       | Wastewater Treatment Plant Operator  |</p>
<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
</tr>
</thead>
</table>
| 120   | Accountant I  
       | Assistant Electrician  
       | Equipment Mechanic  
       | Fire Prevention Technician II  
       | Laboratory Analyst I  
       | Senior Equipment Operator  
       | Traffic Painter Crewleader  
       | Water Resource Specialist I  
       | Welder/Fabricator |
| 121   | Wastewater Treatment Plant Relief Operator |
| 122   | **Heavy Equipment Mechanic**  
       | Cross Connection Specialist  
       | Fire Equipment Mechanic  
       | Law Enforcement Academy Recruit  
       | Tree Trimmer Crewleader  
       | Water Conservation Specialist |
| 123   | Airport Maintenance Crewleader  
       | Civil Engineering Technician II  
       | Identification Technician I  
       | Maintenance Mechanic Crewleader – Parks |
| 124   | Community Development Program Specialist I  
       | Environmental Compliance Inspector I  
       | Equipment Mechanic Crewleader  
       | Laboratory Analyst II  
       | Operation and Maintenance Crewleader  
       | Planning Assistant  
       | Plant Mechanic  
       | Water Resource Specialist II |
| 125   | Crime Analyst |
| 126   | Building Inspector I  
       | Coach Mechanic Crewleader  
       | Electrician  
       | Housing Financial Specialist  
<pre><code>   | Housing Rehabilitation Specialist I |
</code></pre>
<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
</tr>
</thead>
</table>
| 127   | Civil Engineering Assistant  
Identification Technician II  
Senior Fire Equipment Mechanic |
| 128   | Community Development Program Specialist II  
Environmental Compliance Inspector II  
Instrument Repair Technician  
Senior Wastewater Treatment Plant Operator |
| 129   | Building Inspector II  
Construction Inspector  
Housing Rehabilitation Specialist II  
Project Coordinator |
| 130   | Senior Civil Engineering Assistant |
| 132   | Senior Environmental Compliance Inspector |
| 133   | Deputy Fire Marshal  
Plan Review Engineer  
Senior Building Inspector  
**Senior Construction Inspector** |
MODESTO CITY COUNCIL
RESOLUTION NO. 2004-518

A RESOLUTION AMENDING EXHIBIT “A” OF RESOLUTION NO. 2003-178 (MODESTO CONFIDENTIAL AND MANAGEMENT ASSOCIATION MEMORANDUM OF UNDERSTANDING) TO AMEND THE CLASS RANGE TABLE FOR REPRESENTED MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES TO DELETE THE CLASSIFICATION OF SENIOR PROGRAMMER ANALYST AND TO REVISE THE CLASSIFICATION OF ACCOUNTANT II (REPRESENTED).

WHEREAS, the City Council desires to amend Exhibit “A” of Resolution No. 2003-178 (MCMA Memorandum Of Understanding),

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

SECTION 1. AMENDMENT TO RESOLUTION NO. 2003-178. (MCMA Memorandum of Understanding), Resolution No. 2003-178 effective April 8, 2003, is hereby amended as shown on the amended Exhibit “A” entitled “City of Modesto Class Range Table Represented Management and Confidential Non-Sworn Classes Effective October 5, 2004, which is attached hereto and made a part hereof as though set forth in full herein. Said amended Exhibit “A” deletes the classification of Senior Programmer Analyst at Range 434 and revises the job specification for Accountant II remaining at Range 428.

SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after October 5, 2004.
The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 5th day of October, 2004, by Councilmember Jackman,
who moved its adoption, which motion being duly seconded by Councilmember Keating,
was upon roll call carried and the resolution adopted by the following votes:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

(SEAL)

APPROVED AS TO FORM:

By

MICHAEL D. MILICH, City Attorney

JEAN ZAHR, City Clerk
<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
</tr>
</thead>
<tbody>
<tr>
<td>403</td>
<td>Administrative Office Assistant I (Confidential)</td>
</tr>
</tbody>
</table>
| 407   | Administrative Clerk II (Confidential)      
       | Administrative Office Assistant II (Confidential) |
| 408   | |
| 409   | |
| 410   | |
| 411   | Administrative Office Assistant III (Confidential)  
       | Police Clerk II (Confidential) |
| 412   | |
| 413   | Administrative Technician (Confidential) |
| 414   | |
| 415   | Senior Administrative Office Assistant (Confidential)  
       | Secretary |
| 416   | |
| 417   | |
| 418   | Legal Secretary  
       | Systems Technician I |
| 419   | Public Information Technician (Confidential) |
| 420   | Accountant I (Confidential)  
       | Deputy City Clerk  
       | Employee Benefits Coordinator  
       | Executive Secretary (Represented)  
<pre><code>   | Legal Services Technician |
</code></pre>
<p>| 421   | |</p>
<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
</tr>
</thead>
</table>
| 422   | Office Supervisor  
        Utility Dispatch Supervisor  
        Workers' Compensation Claims Examiner I  
        Systems Technician II |
| 423   | Custodian Supervisor |
| 424   | Assistant Planner  
        Buyer  
        Police Facilities Coordinator |
| 425   | Administrative Analyst I |
| 426   | Police Civilian Supervisor  
        Stores Manager  
        Systems Technician III |
| 427   | Assistant City Clerk/Auditor  
        Legal Services Administrator  
        Workers' Compensation Claims Examiner II |
| 428   | Accountant II (Represented)  
        Senior Buyer |
| 429   | |
| 430   | Associate Planner  
        Community Services Supervisor  
        Events Supervisor I  
        Junior Civil Engineer  
        Junior Traffic Engineer  
        Senior Crime Analyst  
        Software Analyst I |
| 431   | Administrative Analyst II  
        Assistant Risk Manager  
        Budget Analyst I  
        Personnel Analyst  
        Recycling Program Coordinator  
        Senior Community Development Program Specialist |
<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
</tr>
</thead>
</table>
| 432   | Communications Specialist  
Customer Services Supervisor  
Neighborhood Preservation Supervisor  
Operations and Maintenance Supervisor  
Recreation Supervisor II  
Senior Accountant  
Water Quality Control Maintenance Supervisor  
Water Quality Control Operations Supervisor |
| 433   | Organizational Development Specialist |
| 434   | Assistant Civil Engineer  
Assistant Traffic Engineer  
Budget Analyst II  
Electrical Supervisor  
Events Supervisor II  
Environmental Laboratory Supervisor  
Operations Supervisor  
Regulatory Compliance Supervisor  
SCADA Supervisor  
Senior Housing Rehabilitation Specialist  
Software Analyst II  
Systems Engineer I |
| 435   | Business Analyst  
Cultural Services Manager  
Integrated Waste Specialist  
Management Analyst  
Senior Personnel Analyst |
<p>| 436   | Senior Planner |
| 437   | |</p>
<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
</tr>
</thead>
</table>
| 438   | Budget Officer  
Housing Program Supervisor  
Land Surveyor  
Property Agent  
Purchasing Supervisor  
Senior Business Analyst  
Software Analyst III  
Systems Engineer II |
| 439   | Administrative Services Officer  
Community Facilities Districts Administrative Officer |
| 440   | Associate Civil Engineer  
Associate Traffic Engineer  
Transportation Planner |
| 441   | Airport Manager  
Building Maintenance Superintendent  
Fire Marshal  
Fleet Manager  
Parks Operations Superintendent  
Parks Planning and Development Manager  
Recreation Superintendent  
Solid Waste Program Manager  
Streets Engineer  
Transit Manager  
Urban Forestry Superintendent  
Wastewater Collections Superintendent  
Water Superintendent |
| 442   | Customer Services Division Manager  
Manager of Budget and Financial Analysis  
Software Analyst IV  
Supervising Building Inspector  
Supervising Construction Inspector  
Systems Engineer III |
| 443   | |
| 444   | Deputy Chief Building Official  
Principal Planner |
<p>| 445   | Accounting Division Manager |</p>
<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
</tr>
</thead>
</table>
| 446   | Water Quality Control Superintendent  
        | Information Technology Unit Manager |
| 447   | Business Development Division Manager  
        | Chief Building Official  
        | Planning Division Manager  
        | Senior Civil Engineer  
        | Traffic Engineer |
| 448   |       |
| 449   |       |
| 450   |       |
| 451   |       |
| 452   |       |
| 453   |       |
| 455   |       |
MODESTO CITY COUNCIL
RESOLUTION NO. 2004-519


WHEREAS, Resolution No. 2003-330 granted salary and benefit changes to Unrepresented Management and Confidential Employees including Charter Officers and Executives, effective July 1, 2003, and

WHEREAS, the City Council desires to amend Resolution No. 2003-330,

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

SECTION 1. AMENDMENT OF RESOLUTION NO. 2003-330. Exhibit "A" entitled "City of Modesto Class Range Table, Unrepresented Management and Confidential Non-sworn Classes, Effective July 1, 2003" attached to Resolution No. 2003-330, is hereby amended as shown on the amended Exhibit "A" entitled, "City of Modesto Class Range Table, Unrepresented Management and Confidential Non-sworn Classes, Effective October 5, 2004," which is attached hereto and made a part hereof as though set forth in full herein. Said amended Exhibit "A" revises the job specification for Accountant II remaining at range 2428.

SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after October 5, 2004.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of October, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following votes:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

BY: MICHAEL D. MILICH, City Attorney
<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
</tr>
</thead>
<tbody>
<tr>
<td>2419</td>
<td></td>
</tr>
<tr>
<td>2420</td>
<td>Executive Secretary – Personnel and City Manager's Offices</td>
</tr>
<tr>
<td>2421</td>
<td></td>
</tr>
<tr>
<td>2422</td>
<td></td>
</tr>
<tr>
<td>2423</td>
<td></td>
</tr>
<tr>
<td>2424</td>
<td></td>
</tr>
<tr>
<td>2425</td>
<td>Executive Assistant Paralegal</td>
</tr>
<tr>
<td>2426</td>
<td></td>
</tr>
<tr>
<td>2427</td>
<td></td>
</tr>
<tr>
<td>2428</td>
<td>Accountant II- in City Clerk's office</td>
</tr>
<tr>
<td>2429</td>
<td></td>
</tr>
<tr>
<td>2430</td>
<td></td>
</tr>
<tr>
<td>2431</td>
<td>Equal Opportunity Officer</td>
</tr>
<tr>
<td>2432</td>
<td></td>
</tr>
<tr>
<td>2433</td>
<td></td>
</tr>
<tr>
<td>2434</td>
<td></td>
</tr>
<tr>
<td>2435</td>
<td></td>
</tr>
<tr>
<td>2436</td>
<td></td>
</tr>
<tr>
<td>2437</td>
<td>Deputy City Attorney I</td>
</tr>
<tr>
<td>2438</td>
<td></td>
</tr>
<tr>
<td>RANGE</td>
<td>TITLE</td>
</tr>
<tr>
<td>-------</td>
<td>-------</td>
</tr>
<tr>
<td>2439</td>
<td>Employee Relations Specialist</td>
</tr>
<tr>
<td>2440</td>
<td></td>
</tr>
</tbody>
</table>
| 2441  | Assistant Personnel Director  
Deputy City Attorney II |
| 2442  | |
| 2443  | Senior Deputy City Attorney I |
| 2444  | Risk Manager |
| 2445  | |
| 2446  | |
| 2447  | |
| 2448  | |
| 2449  | Senior Deputy City Attorney II |
| 2450  | |
| 2451  | |
| 2452  | Deputy Chief Information Officer  
Deputy Director – Cultural and Enterprise Services  
Deputy Director – Engineering & Transportation  
Deputy Director of Finance  
Deputy Director – Operations and Maintenance  
Deputy Director – Recreation and Neighborhoods |
| 2453  | |
| 2454  | |
| 2455  | Assistant City Attorney |
MODESTO CITY COUNCIL
RESOLUTION NO. 2004 - 520

A RESOLUTION APPROVING THE ADDITION OF ONE NEW POLICE
OFFICER POSITION IN THE MODESTO POLICE DEPARTMENT TO SERVE
AS THE RECRUIT TRAINING OFFICER AT THE REGIONAL ACADEMY
TRAINING CENTER

WHEREAS, the Modesto Police Department budgeted $85,000 in the
2004/05 budget for overtime in the Operations Division of the Police Department to pay
for backfill duties of a Recruit Training Officer for the Training Academy, and

WHEREAS, a Recruit Training Officer is a necessity for the programs of the
Regional Academy Training Center, and

WHEREAS, the $85,000 would be better spent for a position than on backfill
overtime for the various duties of the position, and

WHEREAS, there will be only one person in the position and he or she will not
be paid overtime as he or she will be on regular duty time, and

WHEREAS, this new position will be a part of the Training Unit in the Support
Division of the Police Department and when not required by the Training Center, will
work in Training or in general Patrol, which is always in need of officers, and

WHEREAS, the actual Recruit Training Officer will be an experienced Modesto
Police Officer and this new position will allow for his or her backfill, and

WHEREAS, this action is fiscally neutral and can be accomplished with an
appropriation transfer, and

10/5/04/Police/J. Tognolini

2004-520
WHEREAS, the Safety and Communities Committee unanimously supported this action at its meeting of September 8, 2004 and the Finance Committee recommended this action at its meeting of September 27, 2004,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves one new Police Officer position in the Modesto Police Department to serve as a Recruit Training Officer at the Regional Academy Training Center.

BE IF FURTHER RESOLVED that City staff is hereby authorized to hire one new Police Officer.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of October, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following votes:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk

APPROVED AS TO FORM:

By: Michael Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2004-521

A RESOLUTION ACCEPTING IMPROVEMENTS IN THE OLYMPIC PARK NO. 1 SUBDIVISION, IN THE VILLAGE ONE SPECIFIC PLAN AREA, AUTHORIZING THE CITY CLERK TO RECORD A NOTICE OF COMPLETION AND AUTHORIZING RELEASE OF BONDS

WHEREAS, DAVANTE VILLAS, a California Limited Partnership by NOVA DEVELOPMENT GROUP LLC, a California Limited Liability Company, is the subdivider of the Olympic Park No. 1 Subdivision, and

WHEREAS, DAVANTE VILLAS, a California Limited Partnership, has filed irrevocable subdivision bonds to secure faithful performance and payment for labor and materials in the amounts of $66,000.00 and $33,000.00, respectively, and

WHEREAS, DAVANTE VILLAS, a California Limited Partnership, has filed a warranty security in the amount of $6,600.00 to guarantee improvements in the Olympic Park No. 1 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 file 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 improvements in the Olympic Park No. 1 Subdivision are hereby accepted and the City Clerk is hereby authorized to file a Notice of Completion for the improvements.

2. The City Clerk is hereby authorized to release the subdivision security for faithful performance in the amount of $66,000.00 upon recordation of the Notice of Completion.

3. The City Clerk is hereby authorized to release the subdivision security for labor and materials in the amount of $33,000.00 sixty (60) days after the recordation of the Notice of Completion, provided no claim is made thereon.

4. The City Clerk is hereby authorized to release the warranty security to guarantee improvements in the amount of $6,600.00 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 5th day of October, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following votes:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By ALISON BARRATT-GREEN, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2004-522

A RESOLUTION APPROVING AN UPDATE TO THE DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROGRAM FOR FEDERALLY FUNDED STREET, AIRPORT, AND TRANSIT PROJECTS

WHEREAS, the Federal Government has adopted Federal Regulation 49 CFR Part 26, which mandates that the City adopt a Disadvantaged Business Enterprise (DBE) Program to be eligible to receive federal highway, airport, and transit funds, and

WHEREAS, Caltrans has tentatively approved the draft City of Modesto DBE Program for federally funded streets projects, contingent upon Council adopting the program, and

WHEREAS, the recommended overall goal for Modesto in the upcoming year is seven (7%) percent DBE participation, and

WHEREAS, in order to continue to receive federal funding for street, airport and transit projects, the City must adopt a DBE Program consistent with federal regulations and receive approval, and

WHEREAS, the City of Modesto has requested public comments regarding the DBE Program, and none were received,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City of Modesto DBE Program for federally funded streets and transit projects is hereby approved and adopted.
The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 5th day of October, 2004, by Councilmember Jackman,
who moved its adoption, which motion being duly seconded by Councilmember Keating,
was upon roll call carried and the resolution adopted by the following votes:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: ____________________________
JEAN ZAHN, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: ________________________________
MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2004-523

A RESOLUTION AUTHORIZING THE CITY MANAGER TO PAY UP TO $2,000 FOR PARTICIPATION IN THE UNIFIED CERTIFICATION PROGRAM (UCP) FOR CERTIFYING DISADVANTAGED BUSINESS ENTERPRISES (DBE) CONTRACTORS

WHEREAS, the Federal Government has adopted Federal Regulation 49 CFR Part 26, which mandates that the City participate in the California Unified Certification Program (UCP) in order to continue to receive federal highway and transit funding, and

WHEREAS, the California UCP Board screens and certifies potential disadvantaged business contractors, and

WHEREAS, the California UCP Board estimates a cost of $2,000 per agency for participation in the UCP,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager, or his designee, is hereby authorized to pay up to $2,000 for participation in the Unified Certification Program.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of October, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following votes:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Michael D. Milich, City Attorney
A RESOLUTION APPROVING AN AMENDMENT TO AGREEMENT WITH FORESIGHT CONSULTING FOR THE REVISED SCOPE OF WORK RELATED TO THE WATER AND WASTEWATER USER FEE AND INFRASTRUCTURE FEE STUDY AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE SAME

WHEREAS, in December 2003, Foresight Consulting was selected to conduct the Water and Wastewater User Fee and Infrastructure Fee Study, and

WHEREAS, a revised Scope of Work has been requested by the Water Task Force, and an amendment to the agreement with Foresight Consulting is required to complete the revised scope of work, and

WHEREAS, the cost of the revised scope of work is $232,500,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the amendment to the agreement with Foresight Consulting, in the amount of $232,500 for services related to the Water and Wastewater User Fee and Infrastructure Fee Study,

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Amendment to the Agreement.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of October, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following votes:

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

NOES:  Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:  

APPROVED AS TO FORM:

By  

MICHAEL D. MILICH, City Attorney

JEAN ZAHR, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2004 - 525

A RESOLUTION APPROVING AN AMENDMENT TO THE BUDGET TO APPROPRIATE FUNDS FROM THE WATER FUND RESERVES FOR THE REVISED SCOPE OF WORK RELATED TO THE WATER AND WASTEWATER USER FEE AND INFRASTRUCTURE FEE STUDY

WHEREAS, in December 2003, Foresight Consulting was selected to conduct the Water and Wastewater User Fee and Infrastructure Fee Study, and

WHEREAS, a revised Scope of Work has been requested by the Water Task Force, and an amendment to the agreement with Foresight Consulting is required to complete the revised scope of work at the cost of $232,500, and

WHEREAS, the budget needs to be amended to transfer funds from the Water Fund Reserves to fully pay for the cost the contract amendment.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the budget amendment for services related to the Water and Wastewater User Fee and Infrastructure Fee Study,

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of October, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following votes:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:
By MICHAEL D. MILICH, City Attorney

10/05/04/Finance/G Baird/Item 17 1 2004-525
MODESTO CITY COUNCIL
RESOLUTION NO. 2004-526

A RESOLUTION ADOPTING THE CITY OF MODESTO EQUAL OPPORTUNITY PLAN FOR FISCAL YEARS 2003-04 THROUGH 2007-08.

WHEREAS, City staff has recommended to the Council the adoption of an Equal Opportunity Plan for Fiscal Years 2003-04 through 2007-08, a copy of said Plan is on file in the office of the City Clerk, and

WHEREAS, said plan contains the City’s plans and objectives which have been developed in accordance with existing laws in an effort to ensure that minorities, women, disabled individuals and other groups are afforded equal opportunity, and

WHEREAS, the Equal Opportunity Plan is provided to Council as a five-year blueprint for workforce objectives relative to ethnicity and gender. This report sets forth the guidelines to be used by the City to measure annual progress towards those objectives set for Fiscal Years 03/04 through 07/08, and

WHEREAS, the City is fully committed to the effective implementation of the Equal Opportunity Plan, and to continued progress toward the achievement of its objectives,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves the City of Modesto Equal Opportunity Plan for Fiscal Years 2003-04 through 2007-08.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of October, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following votes:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: ____________________________
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: ________________________________
MICHAEL D. MILICH, City Attorney
A RESOLUTION AMENDING RESOLUTION 99-385 AND AMENDING RESOLUTION 98-27 AND AMENDING RESOLUTION 2001-124 TO PROVIDE FOR THE DEFERRAL AND EXEMPTION OF CAPITAL FACILITIES FEES

WHEREAS, the City Council of the City of Modesto has adopted Modesto Municipal Code sections 8-1.904 et seq., creating and establishing the authority for imposing and charging capital facilities fees; and

WHEREAS, the current capital facilities fees for residential developments are forth in Resolution No. 2003-310; and

WHEREAS, on January 17, 2001, the Community Development and Housing Committee of the City Council recommended to the City Council that the City’s Capital Facilities Fee Program be amended to provide for the deferral and exemption of capital facilities fees in certain cases.

WHEREAS, on April 27, 2004, the City Council of the City of Modesto adopted Resolution Number 2004-233 updating the Housing Element of the Modesto Urban Area General Plan, and

WHEREAS, the City of Modesto Housing Element contains goals, policies and programs for the development and preservation of housing that is affordable to very-low- and low-income households, and

WHEREAS, Housing Element Goal Number 5 “Reduce Governmental Constraints” includes Policy 5.2 to continue to provide financial incentives such as fee deferral and exemptions for developments meeting the affordable and special housing needs of the community, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council finds and determines that Resolution No. 99-385 is hereby amended to
EXEMPTIONS FROM AND DEFERRAL OF CAPITAL FACILITIES FEES.

(a) The Capital Facilities Fees (CFF) established by this resolution shall not be imposed on any of the following:

1. Any low income housing units constructed or expanded by the Housing Authority of the County of Stanislaus or any entity in which the Housing Authority is a major partner.

2. Any low income or special needs housing, as identified in the Housing Element, constructed or expanded by any other person or entity. The exemption authorized by this subparagraph may be granted by the City Council on a case-by-case basis after a public hearing. The public hearing shall focus on whether or not the units to be constructed or expanded are in fact “low income”. As used in this subparagraph and the preceding subparagraph, the term “low income housing” shall mean: housing at rents affordable to households earning sixty percent (60%) or less of the Area Median Income as determined from time to time by the United States Department of Housing and Urban Development. The term for the CFF exemption would be the term of the period deemed low income.

3. For each use listed above for which the fee is calculated on the basis of the total number of square feet of building space, the area of public or private parking garages shall not be included in the area of building space for the purpose of calculating the capital facilities fee for that use. As used herein, the term “public parking garage” and the term “private parking garage” shall mean the same as those terms are defined in the Uniform Building Code.

4. Any alteration or addition to a residential structure, except to the extent that additional units are created.

5. Any replacement or reconstruction of a residential structure existing on November 21, 1989 that has been destroyed or demolished since that time.

6. Any replacement or reconstruction of a non-residential structure existing on November 21, 1989, that has been destroyed or demolished since that time, unless the replacement or reconstruction increases the square footage of the structure, ten percent (10%) or more, changes the use of the structure to a higher density category, or will result in the generation of additional peak hour trip ends.
7. Any replacement of an existing residential or non-residential structure that has been or will be vacated due to the fact that the title to the property has been acquired by a public entity through eminent domain proceedings or the threat of such proceedings provided that the building permit for the replacement structure or structures is applied for within two (2) years after the transfer of title or within two (2) years after the property has been vacated, whichever occurs last. The exemption granted by this subparagraph shall not apply to the replacement of a non-residential structure to the extent it adds additional square feet, the use is devoted to a higher density category, or results in the generation of additional peak hour trip ends or to the replacement of a residential structure to the extent additional units are created.

8. Any single-family affordable housing unit constructed by any person or entity. As used in this subparagraph, the term “single-family affordable housing unit” shall mean a single-family home purchased by a homebuyer earning sixty percent (60%) or less of Area Median Income as determined from time to time by the United States Department of Housing and Urban Development to be used by the homebuyer as its principle place of residence. The homebuyer would be granted a full CFF exemption provided there is no resale or refinance for ten (10) years. If a resale or refinance should occur within the ten (10)-year period, the full CFF exemption would be due, with no interest thereon.

The exemption authorized by this subparagraph may be granted by the City Council on a case-by-case basis after a public hearing. The public hearing shall focus on whether or not the unit to be constructed would be a single-family affordable housing unit. If approved by the City Council, the benefit of the CFF exemption would be transferred to the homebuyer at the time purchase. The homebuyer would be required to sign a CFF exemption agreement, promissory note, and City trust deed to secure the note, as prepared by the City Attorney.

(b) Any alteration or change of use of an existing building shall not trigger the payment of CFF, provided no new dwelling units are created or no new square footage is added with non-residential structures. When an additional residential unit or new square footage for a non-residential structure is created, CFF shall be due for the additional units or square footage only.

(c) Rather than paying CFF at the time a building permit is issued, the developer of a “qualified project” may elect to defer payment of all or a portion of those fees as hereinafter set forth.

1. There shall be two (2) categories of qualified projects defined as follows:

a. Category “A” qualified project shall include any non-residential project (except industrial/warehouse projects but including hotel/motel projects) on one parcel of land or a group of contiguous parcels under the same ownership for which CFF exceed $150,000.00. Category “A”
qualified projects shall also include any industrial/warehouse project on one parcel of land or a group of contiguous parcels under the same ownership for which capital facilities fees exceed $50,000.00.

b. Category “B” qualified projects shall include any non-residential project (except industrial/warehouse projects but including hotel/motel projects) on one parcel of land or a group of contiguous parcels under the same ownership for which CFF is more than $25,000.00 but less than $150,000.00. Category “B” qualified projects shall also include industrial warehouse projects on one parcel of land or a group of contiguous parcels under the same ownership for which CFF is more than $25,000.00 but less than $50,000.00.

2. Other projects which may be designated by the City Council as “qualified projects,” are privately constructed projects on the City/Council Airport where the CFF exceeds $5,000.00.

3. The property owner and/or developer in the case of “Category ‘A’ qualified projects” may enter into Deferred Payment Agreement with the City to pay ten percent (10%) of those fees at the time the building permit is issued with the remaining ninety percent (90%) to be paid in equal installments over the next ten (10) years (or less at the property owner’s option).

The property owner and/or developer in the case of “Category B qualified projects” may enter into a Deferred Payment Agreement with the City to pay twenty percent (20%) of those fees at the time the building permit is issued with the remaining eighty percent (80%) to be paid in equal installments over the next five (5) years (or less at the property owner’s option).

The unpaid balance of the fees will be subject to interest and collection charges. The annual interest rate shall be equal to the Wall Street Journal Prime Rate adjusted thereafter semi-annually every July and January. Adequate security acceptable to the City in the form of an irrevocable letter of credit in an amount sufficient to secure both principle and interest shall be provided for the duration of the deferral. The terms and conditions of the deferral shall be set forth in an agreement which shall also provide that the unpaid balance of the fee shall be due and payable on the sale or the transfer to the property. As an alternative to providing the irrevocable letter of credit, the agreement may, at the option of the property owner/developer, authorize the City to lien the property and collect the balance of the CFF due through property tax assessment.

4. For those projects where a mitigated negative declaration or an Environmental Impact Report (EIR) has been certified, no CFF deferral shall be allowed to the extent that one or more of the mitigation measures consists of payment of CFF or construction or installation of a public
improvement, the cost of which is eligible as a credit toward the payment of CFF.

(d) Rather than paying CFF at the time the building permit is issued for the construction of a single-family affordable housing unit, the developer may elect to defer payment of all or a portion of those fees on the following:

1. Any single-family affordable housing unit constructed by any person or entity. As used in this subparagraph and the preceding subparagraph, the term “single-family affordable housing unit” shall mean a single family home purchased by a homebuyer earning between sixty-one percent (61%) and eighty percent (80%) Area Median Income as determined from time to time by the United States Department of Housing and Urban Development to be used by the homebuyer as its principle place of residence.

The homebuyer would be granted a CFF deferral for five (5) years, with payments of principle and interest to begin in year six (6). Interest will not accrue during the deferral period, and the CFF would be paid over a ten (10)-year period with five percent (5%) interest rate on the unpaid balance. The deferral authorized by this subparagraph may be granted by the City Council on a case-by-case basis after a public hearing. The public hearing shall focus on whether or not the unit to be constructed would be a single-family affordable housing unit. If approved by the City Council, the benefit of the CFF deferral would be transferred to the homebuyer at the time of purchase. The homebuyer would be required to sign a CFF deferral agreement, promissory note, and City trust deed to secure the note, as prepared by the City Attorney. If a resale or refinance should occur within the ten (10)-year period, the full CFF exemption would be due, with no interest thereon.
The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 12th day of October, 2004, by Councilmember Jackman,
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, Jackman, Keating, Marsh, O'Bryant,
Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Michael D. Milich, City Attorney
RESOLUTION APPROVING A $10,000.00 DONATION TO THE UNITED WAY OF STANISLAUS COUNTY FOR THE PURPOSE OF CONDUCTING AN AFTER-SCHOOL AND RELATED PROGRAMS STUDY AND AUTHORIZING THE ACTING CITY MANAGER TO ISSUE THIS DONATION.

WHEREAS, there are as many as 500 to 1000 after-school and related programs in Stanislaus County that are designed to provide opportunities for children and youth aged 6 to 18, and

WHEREAS, these are programs that operate outside of regular school hours, either before or after school, on weekends or holidays or during breaks between school sessions, and

WHEREAS, these after-school and related programs provide children and youth with educational activities, life enrichment experiences, sports and recreational opportunities, and supports if they have special needs or life challenges, and

WHEREAS, these programs are available throughout the county and are provided by a variety of organizations including schools, government agencies such as park and recreation departments, churches and faith based organizations, and community-based organizations, and

WHEREAS, these programs may be small and localized like a family resource center or provide extensive activities throughout the county such as the YMCA, and

WHEREAS, the inventory will be produced in the form of a database suitable for integration into the existing database maintained by the United Way of Stanislaus County, and
WHEREAS, additionally, a short 5 to 10 page report will be prepared summarizing the detailed inventory, and

WHEREAS, included in this report will be a series of maps and related data of youth aged 6 to 18 in Stanislaus County, and

WHEREAS, these data will provide estimates of the number of children and youth for 2005 and be disaggregated by age group (elementary, middle school and high school ages), race/ethnicity, in-school and not-in-school, and, for high school-aged youth, estimates of the number of youth with jobs, and

WHEREAS, these data will help provide better understandings of need and potential gaps in the provision of after-school and related programs, and

WHEREAS, on September 27, 2004 the Finance Committee met and recommended support for this item,

NOW, THEREFORE, BE IT RESOLVED, that the City Council of Modesto hereby approves the donation of $10,000.00 to the United Way of Stanislaus County for the purpose of conducting an After-School and Related Programs Study.

BE IT FURTHER RESOLVED that the Acting City Manager, or his designee, is hereby authorized to issue the donation to the United Way of Stanislaus County.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of October, 2004, by Councilmember Jackman, 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, Jackman, Keating, Marsh, O’Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

JEAN ZAHN, City Clerk

APPROVED AS TO FORM:
By [Signature]

MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2004-529

A RESOLUTION APPROVING AMENDMENT NO. 2 TO THE AGREEMENT BETWEEN THE CITY OF MODESTO AND MUNICIPAL RESOURCE CONSULTANTS, AN MBIA SERVICES COMPANY

WHEREAS, Municipal Resources Consultants, an MBIA Services Company has submitted an Amendment to their contract between MBIA and City of Modesto, and

WHEREAS, Amendment No. 2 to the MBIA contract allows MBIA to recover revenues otherwise lost to the City of Modesto, paying MBIA 43% of discovery up to $250,000 per year for fees and services, and

WHEREAS, the Finance Committee met on September 27, 2004, and directed staff to seek City Council approval of the amendment to the contract,

NOW, THEREFORE, BE IT RESOLVED that Amendment No. 2 of the contract between MBIA Municipal Resources Consultants, an MBIA Services Company and the City of Modesto, is hereby approved.

BE IT FURTHER RESOLVED that the Acting City Manager is hereby authorized to execute said Amendment.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of October, 2004, by Councilmember Jackman, 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, Jackman, Keating, Marsh, O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

(SEAL)

APPROVED AS TO FORM:

By

MICHAEL D. MILICH, City Attorney
A RESOLUTION REINSTATING THE POSITION OF FINANCE DIRECTOR TO THE FINANCE DEPARTMENT AND AMENDING THE FISCAL YEAR 2004-2005 BUDGET TO TRANSFER APPROPRIATIONS TO FULLY FUND THE POSITION

WHEREAS, as part of the fiscal year FY04-05 budget reductions, the City Manager eliminated the position and reduced the budget for the Finance Director, and

WHEREAS, the Acting City Manager is recommending that the Finance Director position be reinstated and the Finance Department’s budget be increased to fully fund this position,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Modesto that it hereby approves the reinstatement of the Finance Director position to the Finance Department.

BE IT FURTHER RESOLVED by the City Council of the City of Modesto that it hereby amends the Finance Department’s budget by transferring $146,536 from the General Fund Reserves Account #0100-800-8000-8003 to the Finance Operating Budget Account #0100-120-1201-0181.

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 12th day of October, 2004, by Councilmember Jackman, 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, Jackman, Keating, Marsh, O’Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

JEAN ZAHR, City Clerk

(seal)

APPROVED AS TO FORM:

By: [Signature]

MIKE MILICH, City Attorney
A RESOLUTION AUTHORIZING THE LEASE PURCHASE OF TWO (2) JOHN DEERE 644J WHEEL LOADERS UNDER THE STATE OF CALIFORNIA, DEPARTMENT OF GENERAL SERVICES, CALIFORNIA MULTIPLE AWARD SCHEDULE (CMAS) CONTRACT FROM NORTRAK WEST OF FRENCH CAMP, CA. FOR A TOTAL ESTIMATED COST OF $450,982.20, WHICH WILL BE PAID OUT IN FIVE (5) ANNUAL INSTALLMENTS OF $90,196.44.

WHEREAS, the Public Works Department-Water Quality Control (WQC) Division have requested the lease purchase of two (2) John Deer 644J wheel loader with preventive maintenance, and

WHEREAS, these units will replace the wheel loaders in operation at the City’s Composting Facility that have become unreliable and are costly to keep operational, and

WHEREAS, these units have met their life expectancy and funds are available to begin the lease purchase, and

WHEREAS, the loaders play an important role in the City’s composting operations as they are used in almost every aspect of the composting process, and

WHEREAS, on a daily basis, the loaders are used to move large quantities of green waste, load materials into grinders, and place ground-up material into rows to be composted, and

WHEREAS, the current loaders were purchased in 1997 and have been used for over 12,000 hours each, and

WHEREAS, the useful life of this type of loader under normal circumstance is 10,000 hours and even less when operated in extreme or dusty environments, and

WHEREAS, the City’s composting site is an extremely dusty and harsh environment that wears very heavily on the equipment, and
WHEREAS, due to the age and wear on the loaders staff has seen an increase in
the amount of time the equipment is out of service and in need of repairs, and

WHEREAS, since 2001 over $230,000 has been spent to repair the loaders which
helps increase compost production costs, and

WHEREAS, with the purchase of new loaders it is anticipated that required
maintenance costs will decrease and compost productivity will increase, and

WHEREAS, the Purchasing Division and the Public Works Department staff have
evaluated lease-purchase quotations based on CMAS pricing for two loaders, with
preventive maintenance from Holt of California and Nortrax West, and

WHEREAS, Nortrax West is the lowest responsive and responsible bidder with
an estimated total cost of $450,982.20 for two loaders, with includes preventive
maintenance, and

WHEREAS, the pricing received from Nortrax West is based upon the California
Multiple Award Schedule (CMAS), General Services Administration, statewide contract
pricing, and

WHEREAS, by “piggybacking” off the CMAS contract, the City will be
receiving the lowest possible price for the equipment needed, and

WHEREAS, Nortrax West, French Camp, California is the closest authorized
dealer for this equipment, and

WHEREAS, the total estimated total cost consists of $417,633.10 for the lease-
purchase of the two loaders, and $46,724.71 for the preventive maintenance, plus a lease-
purchase interest rate of 4.50 percent, and
WHEREAS, the combined annual five (5) installment payments for the lease-purchase and preventive maintenance is $90,196.44, and

WHEREAS, the Modesto Municipal Code (MMC) generally requires all purchases exceeding $50,000 for material and equipment of this type to be formally bid, and

WHEREAS, per MMC Section 8-3.204 (d) the Purchasing Supervisor may determine that a processes other than the formal bid procedure set forth in Section 8-3.203 will result in procurement for the City at the lowest possible cost commensurate with the desired quality, and

WHEREAS, by piggybacking off the state CMAS contract, the purchase of this equipment will confirm to MMC Section 8-3204 (d),

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Purchasing Supervisor is hereby authorized to issue a purchase order and contract in the amount of $450,982.20 for a lease-purchase agreement with Nortrax West for two (2) John Deere 644J wheel loaders, payable in five (5) annual installment payments of $90,196.44 each.

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to execute the lease-purchase agreement.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of October, 2004, by Councilmember Jackman, 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, Jackman, Keating, Marsh, O’Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED AS TO FORM:

By: Michael D. Milich, City Attorney

ATTEST: Jean Zahr, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2004 - 532

A RESOLUTION AUTHORIZING THE FINANCE DEPARTMENT TO TRANSFER $66,089 FROM ACCOUNT NUMBER 7210-800-8000-8003 AND $24,107.43 IN ACCOUNT NUMBER 6290-480-5222-0223 INTO ACCOUNT NUMBER 6290-480-5222-59000 AND AMEND THE BUDGET TO APPROPRIATE THESE FUNDS FOR THE PURCHASE OF TWO (2) JOHN DEERE 644J WHEEL LOADERS WITH PREVENTIVE MAINTENANCE FOR A TOTAL ESTIMATED COST OF $450,982.20, PAYABLE IN FIVE (5) ANNUAL INSTALLMENT PAYMENTS OF $90,196.44.

WHEREAS, the Public Works Department-Water Quality Control (WQC) Division had requested the purchase of two (2) John Deere 644J wheel loaders, and

WHEREAS, the loaders play an important role in the City’s composting operations as they are used in almost every aspect of the composting process, and

WHEREAS, Nortrax West is the lowest responsive and responsible bidder at an estimated cost of $450,982.20 for two (2) loaders, which includes preventive maintenance, and

WHEREAS, said amount is payable in five (5) annual installment payments of $90,196.44 each, and

WHEREAS, Council desires to amend the budget for said purchase,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the Finance Department to transfer $66,089 from account number 7210-800-8000-8003 and $24,107.43 from account number 6290-480-5222-0223 into account number 6290-480-5222-5900 and to amend the budget to appropriate these funds for the purchase of two (2) John Deere 644J wheel loaders.
The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 12th day of October, 2004, by Councilmember Jackman,
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, Jackman, Keating, Marsh, O’Bryant,
Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2004-532

A RESOLUTION AUTHORIZING THE FINANCE DEPARTMENT TO TRANSFER $66,089 FROM ACCOUNT NUMBER 7210-800-8000-8003 AND $24,107.43 IN ACCOUNT NUMBER 6290-480-5222-0223 INTO ACCOUNT NUMBER 6290-480-5222-59000 AND AMEND THE BUDGET TO APPROPRIATE THESE FUNDS FOR THE PURCHASE OF TWO (2) JOHN DEERE 644J WHEEL LOADERS WITH PREVENTIVE MAINTENANCE FOR A TOTAL ESTIMATED COST OF $450,982.20, PAYABLE IN FIVE (5) ANNUAL INSTALLMENT PAYMENTS OF $90,196.44.

WHEREAS, the Public Works Department-Water Quality Control (WQC) Division had requested the purchase of two (2) John Deere 644J wheel loaders, and

WHEREAS, the loaders play an important role in the City’s composting operations as they are used in almost every aspect of the composting process, and

WHEREAS, Nortrax West is the lowest responsive and responsible bidder at an estimated cost of $450,982.20 for two (2) loaders, which includes preventive maintenance, and

WHEREAS, said amount is payable in five (5) annual installment payments of $90,196.44 each, and

WHEREAS, Council desires to amend the budget for said purchase,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the Finance Department to transfer $66,089 from account number 7210-800-8000-8003 and $24,107.43 from account number 6290-480-5222-0223 into account number 6290-480-5222-59000 and to amend the budget to appropriate these funds for the purchase of two (2) John Deere 644J wheel loaders.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of October, 2004, by Councilmember Jackman, 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, Jackman, Keating, Marsh, O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

APPROVED AS TO FORM:

By: Michael D. Milich, City Attorney
A RESOLUTION AUTHORIZING THE AGENCY-APPROVED CONSULTANT (GARTNER GROUP), TO ISSUE A FORMAL REQUEST FOR PROPOSAL (RFP) FOR INTEGRATED PUBLIC SAFETY SYSTEMS.

WHEREAS, in December 2003, the Joint Powers Agency (JPA) approved a project not to exceed $90,000 with Gartner Consulting to select a replacement/upgrade system for our Computer Aided Dispatch System (CAD), and

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

WHEREAS, subsequently City Police and Fire organizations decided to expand the scope of this project to include a fully Integrated Public Safety System that would ensure optimum results for our City of Modesto Public Safety organizations, and

WHEREAS, this project has been under way since May and we are now ready to release an RFP, and

WHEREAS, cost estimates for the CAD & Integrated Public Safety System are approximately $3-1/2 to 5 million dollars, of which approximately $3 to 3-1/2 million will be City responsibility, and

WHEREAS, funding sources for the project are yet to be determined, but we are continuing to jointly (City and County) pursue several possible funding sources for the implementation phase of this project, including Local, State, and Federal grants.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the JPA's Consultant, Gartner Group, to issue a formal request for proposal (RFP) for Integrated Public Safety Systems.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of October, 2004, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

(Seal)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

ATTEST: JEAN ZAHRI, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2004-534

A RESOLUTION APPROVING AN AMENDMENT TO AN AGREEMENT FOR PROFESSIONAL SERVICES WITH INDEPENDENT SOLUTIONS, AND AUTHORIZING THE CITY MANAGER TO EXECUTE SAID AMENDMENT

WHEREAS, on February 23rd, 2004, the City of Modesto entered into an Agreement for Professional Services with Independent Solutions, for a not-to-exceed amount of $480,000, and

WHEREAS, the City has determined that additional services will be needed after the expiration of the original Agreement, and

WHEREAS, all contracts over the amount of $50,000, are required to be approved by the City Council,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that an Amendment to Agreement for Professional Services with Independent Solutions in the form attached hereto is hereby approved.

BE IT FURTHER RESOLVED that the City Manager or his designee is hereby authorized to execute said Amendment.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of October, 2004, by Councilmember Jackman, 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, Jackman, Keating, Marsh, O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

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

APPROVED AS TO FORM:

By [Signature]
MICHAEL D. MILICH, City Attorney
ADOPT A RESOLUTION AUTHORIZING THE PURCHASING SUPERVISOR TO FORMALY SOLICIT REQUEST FOR BIDS (RFB) FOR INET EQUIPMENT PURCHASES IN THE APPROXIMATE AMOUNT OF $150,000.

WHEREAS, as part of the City of Modesto’s franchise agreement with Comcast, Comcast is to develop a citywide fiber INET to be utilized by the City of Modesto and several participating school districts, and.

WHEREAS, the construction of the INET has begun and is scheduled to be completed by the Spring of 2005, and

WHEREAS, the INET will not be functional until the City and its participants are able to acquire and install equipment that will allow communications to flow between facilities connected to the INET, and

WHEREAS, staff anticipates the total costs to “light up” the INET to be approximately $800,000 to $1,200,000 (depending upon which INET capabilities we choose to take advantage of), and

WHEREAS, during FY03/04 staff encumbered a portion of the total project cost in anticipation of purchasing several of the necessary pieces of equipment, specifically the Modesto Fire Department (MFD) encumbered $150,000 in funding for the purchase of INET equipment, and

WHEREAS, The Modesto Municipal Code generally requires all purchases exceeding $50,000 for material and equipment of this type to be formally bid. This request for authorization to formally solicit bids for INET equipment conforms to code, and
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves for the City Clerk to advertise the call for bids.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that it hereby approves The Purchasing Division, along with representatives from the Information Technology Department to evaluate the bids and then present a request for award to the City Council.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of October, 2004, by Councilmember Jackman, 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, Jackman, Keating, Marsh, O'Flynn, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Marilyn Roney, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
A RESOLUTION AUTHORIZING THE PARKS, RECREATION AND NEIGHBORHOODS DEPARTMENT TO APPLY FOR GRANT FUNDS FOR THE PER CAPITA GRANT PROGRAM UNDER THE CALIFORNIA CLEAN WATER, CLEAN AIR, SAFE NEIGHBORHOOD PARKS, AND COASTAL PROTECTION ACT OF 2002 (PROPOSITION 40) AND AUTHORIZING THE ACTING CITY MANAGER TO EXECUTE ALL GRANT-RELATED DOCUMENTS.

WHEREAS, the people of the State of California have enacted the Per Capita Grant Program which provides funds for the acquisition and development of neighborhood, community, and regional parks and recreation lands and facilities, and

WHEREAS, the California Department of Parks and Recreation has been delegated the responsibility for the administration of the grant program, setting up necessary procedures, and

WHEREAS, said procedures established by the California Department of Parks and Recreation require the Applicant’s Governing Body to certify by resolution the approval of the Applicant to apply for the Per Capita Allocation, and

WHEREAS, the Applicant will enter into a Contract with the State of California, and

WHEREAS, the City of Modesto’s share of the Per Capita funds is $873,000, which the City now desires to encumber,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves the filing of an Application for local assistance funds from the Per Capita Grant Program under the California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002.
BE IT FURTHER RESOLVED that the Council certifies that the City of Modesto has or will have sufficient funds to operate and maintain the Project.

BE IT FURTHER RESOLVED that the Council certifies that the City of Modesto has reviewed, understands and agrees to the General Provisions contained in the Contract shown in the Procedural Guide.

BE IT FURTHER RESOLVED that the Council appoints the City Manager, or his designee, as agent to conduct all negotiations, execute and submit all documents including, but not limited to Applications, agreements, payment requests and so on, which may be necessary for the completion of Project(s).

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of October, 2004, by Councilmember Jackman, 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, Jackman, Keating, Marsh, O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED AS TO FORM:

By: Michael D. Milich, City Attorney

Attest: Jean Zahr, City Clerk

10/12/04/PR&N/C Eubank/item 12  2  2004-536
MODESTO CITY COUNCIL
RESOLUTION NO. 2004-537

A RESOLUTION DIRECTING STAFF TO INSTALL THE SKYLOGIX SYSTEM AT DOWNEY PARK TENNIS COURTS, AUTHORIZING STAFF TO PURSUE THE SKYLOGIX SYSTEM FOR TENNIS COURT LIGHTING AT ALL LIGHTED TENNIS COURTS AT CITY PARKS, AND AUTHORIZING STAFF TO TURN ON LIGHTING AT DOWNEY COMMUNITY PARK WHILE THE SKYLOGIX SYSTEM IS BEING INSTALLED AT DOWNEY PARK.

WHEREAS, due to the budget challenges facing the City of Modesto and the State of California in general, during the past fiscal year's budget meetings, the Modesto City Council made the decision, based on staff recommendation, to turn the lights off at all tennis courts in the Parks System, and

WHEREAS, City staff has received a few complaints from citizens and organizations that are interested in getting the lights turned back on, and

WHEREAS, in response to those complaints and the City Council request that staff return with recommendations, three options were studied for recovering costs from users for the lighting, in order to turn them back on, and

WHEREAS, staff believes that the SkyLogix System would be the most feasible option to pursue and would allow for the most flexibility and closest control of the use of the facility, allowing for the best control of cost recovery, and

WHEREAS, the Finance Committee met on October 4, 2004, and supported the recommendation to turn the lights back on at the tennis courts at Downey Park and to pursue lighting systems, and

WHEREAS, the Finance Committee further recommended that the SkyLogix system be installed at the tennis courts at Downey Park as a test site,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby directs staff to install the SkyLogix system at Downey Park tennis courts.

BE IT FURTHER RESOLVED that the Council authorizes staff to pursue the SkyLogix system for tennis court lighting at all lighted tennis courts at City Parks.

BE IT FURTHER RESOLVED that the Council authorizes staff to turn on lighting at Downey Community Park while the SkyLogix system is being installed at Downey Park.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of October, 2004, by Councilmember Jackman, 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, Jackman, Keating, Marsh, O’Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Approve as to form:

By: MICHAEL D. MILICH, City Attorney

Attest: JEAN ZAHN, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2004-537A

A RESOLUTION AMENDING THE CAPITAL IMPROVEMENT PROGRAM TO
ESTABLISH A PARK FUND OPERATING ACCOUNT, TENNIS COURT
LIGHTING SYSTEMS, AND TRANSFERRING $8,000 FROM THE PARK FUND
RESERVE 1400-800-8000-8003 TO THIS PROJECT.

WHEREAS, due to the budget challenges facing the City of Modesto and the
State of California in general, during the past fiscal year’s budget meetings, the Modesto
City Council made the decision, based on staff recommendation, to turn the lights off at
all tennis courts in the Parks System, and

WHEREAS, staff now desires to install a lighting system that will allow for
recovery of costs, and

WHEREAS, staff is recommending the SkyLogix system, with an approximate
cost of $7,100 per site, and

WHEREAS, the Safety and Communities Committee met on October 4, 2004,
and recommended that this system be installed at the tennis courts at Downey
Community Park as a test site,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that the Council hereby amends the Capital Improvement Program, establishing a Park
Fund operating account, Tennis Court Lighting Systems, and transferring $8,000 from the
Park Fund Reserve 1400-800-8000-8003 to this project.

BE IT FURTHER RESOLVED that the Finance Director, or her designee, is
hereby authorized to take the necessary steps to implement the provisions of this
resolution.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of October, 2004, by Councilmember Jackman, 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, Jackman, Keating, Marsh, O’Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED AS TO FORM:

By: MICHAEL D. MILICH, City Attorney

Attest: JEAN ZAHR, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2004-538

A RESOLUTION APPROVING A LEASE AGREEMENT WITH MICHAEL AND KIMBERLY WILLIAMS FOR 4205 GOMES ROAD AND AUTHORIZING THE ACTING CITY MANAGER TO EXECUTE THE AGREEMENT.

WHEREAS, the City of Modesto owns a residential property located at 4205 Gomes Road in Modesto, and

WHEREAS, the property is now vacant, and

WHEREAS, staff has found Michael and Kimberly Williams to be suitable tenants, and

WHEREAS, the monthly rent is $1,400, with an annual increase of $25 per month,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves the lease agreement between the City and Michael and Kimberly Williams for the property at 4205 Gomes Road.

BE IT FURTHER RESOLVED that the Acting 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 12th day of October, 2004, by Councilmember Jackman,
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, Jackman, Keating, Marsh, O’Bryant,
Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED AS TO FORM:

By: Michael D. Milich, City Attorney
RESOLUTION APPROVING AND ADOPTING THE WATER SUPPLY ASSESSMENT (WSA) PREPARED FOR THE PROPOSED PROMENADE DEVELOPMENT (PROJECT), LOCATED ON DALE ROAD BETWEEN SNYDER AVENUE AND VENEMAN AVENUE, WHICH HAS DETERMINED THAT AN ASSURED WATER SUPPLY FOR THE PROJECT CAN BE MADE ON THE CONDITION AT LEAST ONE OF THE PLANNED NEW WELLS BEING DEVELOPED IN THE VICINITY OF THE PROJECT IS IN PRODUCTION BY THE COMPLETION OF THE PROJECT

WHEREAS, Senate Bill 610 (SB 610) requires water suppliers to conduct Water Supply Assessment (WSA) studies for projects meeting the legislative criteria to determine if a sufficient water supply is available to meet the demands of the project, and requires the governing legislative body to approve and adopt such assessments, and

WHEREAS, the City of Modesto received a request to conduct a WSA for the proposed approval of the Promenade development ("Project"), and

WHEREAS, Public Works staff completed a WSA for the Project, and

WHEREAS, a determination was made that an assured water supply for the project can be made on the condition that at least one of the planned new wells being developed in the vicinity of the Project is in production by the completion of the Project, located on Dale Road between Snyder Avenue and Veneman Avenue,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Water Supply Assessment for the proposed Promenade development is hereby approved and adopted.

BE IT FURTHER RESOLVED that an adequate water supply is available to meet the demands of the proposed Promenade development, and that the WSA for the
The proposed Promenade development provides substantial evidence to support this determination.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of October, 2004, by Councilmember Jackman, 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, Jackman, Keating, Marsh, O’Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: ____________________________
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:
By ____________________________
MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2004 – 540

A RESOLUTION ESTABLISHING A T-HANGAR USE POLICY TO CREATE CONSISTENT GUIDELINES FOR T-HANGAR USE.

WHEREAS, the Modesto City-County Airport owns T-hangars that are leased to airport tenants who own aircraft, and

WHEREAS, the Airport Advisory Committee requested a review of the airport’s existing position on proper T-hangar use, and

WHEREAS, there is no existing written T-hangar Use Policy, and

WHEREAS, the Airport Advisory Committee directed staff to prepare a Draft T-hangar Use Policy defining reasonable and appropriate use of T-hangars, and

WHEREAS, the Draft T-hangar Policy was approved by the Airport Advisory Committee at their May 19, 2004 meeting, and

WHEREAS, the Draft T-hangar Policy was posted on the Modesto City-County Airport website and local pilots’ gathering center for public viewing and received no adverse comments, and

WHEREAS, the Draft T-hangar Use Policy was presented to the Economic Development Committee at their September 13, 2004 meeting where it was approved, and

WHEREAS, on October 12, 2004 the City Council considered the Draft T-hangar Use Policy,

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the T-hangar Use Policy for managing the use of T-hangars at the
Modesto City-County Airport in a consistent, reasonable and responsible manner, and in accordance with applicable sections 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 12th day of October, 2004, by Councilmember Jackman, 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, Jackman, Keating, Marsh, O’Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

by 
MICHAEL D. MILICH, City Attorney
Adopted by the Modesto City Council on October 12, 2004, Resolution No. 2004-540

Scope: This policy covers the procedures required of general aviation aircraft tenants or prospective tenants in the use of T-hangars at the Modesto City – County Airport.

Purpose: It is the intent of the City of Modesto to manage the use of T-hangars at the Modesto City – County Airport in a consistent, reasonable and responsible manner, and in accordance with applicable sections of the Modesto Municipal Code. This Policy is intended to provide the Airport Manager and T-hangar tenants alike with guidelines that all parties can follow to assure proper leasing and use of T-hangars at the Airport. It is not the intent of this policy to make provisions that are contrary to the Municipal Code, and in the event that there is a discrepancy or conflict between the two, the Municipal Code shall govern.

Location: The location of the T-hangars is on the southwest, or general aviation side of the Airport. Exhibit A, attached as a part of this policy, identifies the T-hangar rows (existing and future) to which this policy applies.

Policy Statements:

- The leasing of T-hangars shall be in accordance with the Modesto Municipal Code and the Aircraft Hangar Waiting List Policy adopted by the Modesto City Council in January 1990, Resolution 90-49.

- Aircraft owners wishing to lease a T-hangar at the Modesto City-County Airport shall execute a Lease Agreement in a form provided by the City of Modesto and shall abide at all times by the terms and provisions of the Lease Agreement.

- It is the intent of the City of Modesto that those leasing a T-hangar at the Airport will use the T-hangar for aircraft purposes only, except with written consent of the City to do otherwise. To that end, the following provisions further define appropriate use of a T-hangar.

1. Pursuant to the Lease Agreement, an aircraft must be stored in the hangar. The storage of vehicles, boats, furniture, construction materials, machinery, household goods etc. only, or in lieu of an aircraft is not permitted.

2. Aircraft parts only, i.e., fuselages, wing sections, engines etc. do not qualify as an aircraft unless reasonable and verifiable progress is made to restore the aircraft, or complete a home-built aircraft. Reasonable progress is further defined as active and consistent work on assembling the aircraft with the intent of restoring it to full flight status within one (1) year. If the aircraft being worked on is a homebuilt kit, the construction of the aircraft must be complete within one (1) year of its original purchase.
The tenant is responsible to provide evidence substantiating reasonable progress to the Airport Manager. Extensions of these time provisions may be requested of the Airport Manager, with an explanation for cause. The Airport Manager shall consider the explanation provided and either grant or deny the time extension requested. Restoration or construction of aircraft as herein described is subject to annual inspection by the Airport Manager. Failure to meet these deadlines will be deemed unacceptable and grounds for the termination of the Lease Agreement. It is not the intent of this policy to allow storage of aircraft in T-hangars, unless they are being actively worked on to restore them to flying condition within a reasonable amount of time. It is the intent of this policy to have T-hangars occupied with fully functioning aircraft to the extent possible.

3. The aircraft in the T-hangar must be owned (fully or partially) by the tenant who signed the hangar Lease Agreement. The tenant can also lease an aircraft for exclusive use. Aircraft ‘N’ number(s) will be compared with the owner’s name(s) and the certificate of insurance to verify proper tenancy. If an aircraft was recently acquired and does not show on the FAA aircraft registration database, the tenant should provide a copy of the Aircraft Registration Application (FAA Form 8050-1). If the aircraft is leased, the insurance must show the tenant as the policyholder, and the owner as an additional insured.

4. Structures and/or lofts constructed inside a T-hangar. Permission for construction of such facilities requires the prior approval of the Airport Manager. The construction of these kinds of facilities will be done under the auspices of the City’s Building Inspection Department, with an associated Building Permit obtained and displayed during construction.

5. T-hangars will be subject to a triennial inspection by the City of Modesto Fire Marshal and by Airport Maintenance and Operation staff for the purpose of determining compliance with applicable provisions of the Modesto Municipal Code, Fire Code and T-Hangar Lease Agreement.

6. Installation of additional wiring for lighting and equipment needs to be done in conformance with all applicable Building and Fire Codes. Permission for the use of extension cords must be obtained from the Modesto Fire Department prior to implementation. Extension cords may not be used in lieu of permanent wiring. Any extension cord that is permitted for use must be unplugged when you leave the hangar.

7. Heaters of any type are not permitted in the hangars unless they are first inspected and approved for use by the Fire Department.

8. Storage in the T-hangar should be neat and minimal. Unobstructed fire or emergency access to the rear of the hangar must be provided.

9. The storage, use, or handling of flammable/combustible liquids is prohibited inside of T-hangars unless approved by the Fire Marshal in accordance with the California Fire Code.
10. No objects may be hung from or attached to the supporting members of the T-hangar without the prior approval of the Airport Manager.

- It is the intent of this policy to provide for a safe environment in which aircraft can be housed at the Modesto City – County Airport. If either the Airport Manager or Fire Marshal determines that an unsafe situation is present in the T-hangar, the tenant shall immediately correct that situation in consultation with the Airport Manager or the Fire Marshal. Failure to comply with the directives of either individual will be grounds for terminating the hangar Lease Agreement. The tenant may appeal the determination rendered, but only after correcting the situation as directed by the Fire Marshal or Airport Manager.

Deviations:
It is recognized that not every situation, which someone may encounter in the lease of a T-hangar, can reasonably be covered by this policy. In the case where a tenant wants to deviate from this policy, or perform an activity not covered by this policy, prior approval shall be obtained from the Airport Manager or Fire Marshal, as the situation may dictate.

Appeals Process:
In the case where a T-hangar tenant does not agree with a determination made by either the Fire Marshal or the Airport Manager, the tenant shall have the right to an appeal. If the appeal is in regards to an issue from the Fire Marshal, the tenant shall follow appeal procedures as established by the Modesto Fire Department. If the appeal is in regard to an issue from the Airport Manager, the tenant shall present their information to the Engineering and Transportation Director, who shall render a decision either supporting or denying the appeal. If the tenant is still not satisfied with the decision rendered, either by the Fire Department or by the Engineering and Transportation Director, then the tenant may invoke the appeal process as outlined in the Modesto Municipal Code, Sections 1-4.01 through 1-4.05.

We truly appreciate your continued cooperation and attention to the items listed above. As a result, your help will provide safe hangar facilities, and support a fair and enjoyable tenant/landlord relationship, which is to everyone’s best interest.

Approved by the Airport Advisory Committee on May 19, 2004.
MODESTO CITY COUNCIL
RESOLUTION NO. 2004 - 541

A RESOLUTION AMENDING THE FISCAL YEAR 2004-2005 CAPITAL IMPROVEMENT PROGRAM BUDGET TO REAPPROPRIATE NEW AND EXISTING PROJECTS AND RECOGNIZE ADDITIONAL REVENUE FOR FY2004-05

WHEREAS, a financial analysis has been completed and it has been determined that certain adjustments are required to the Capital Improvement Budget of the City of Modesto for the Fiscal Year 2004-2005, and

WHEREAS, specific projects have unspent budgets as of July 1, 2004 which need to be reallocated into FY2004-05, and

WHEREAS, additional revenues for Fiscal Year 2004-05 have been identified,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Modesto that existing projects and new projects which are referenced in the Proposed 2004-2005 Capital Improvement Program and under the CIP Budget by Fund section of the budget document hereby be reappropriated into the FY2004-05 budget.

BE IT FURTHER RESOLVED by the City Council of the City of Modesto that additional revenues, which are referenced in the Proposed 2004-2005 Capital Improvement Program and under the Revenues by Source and Project section of the budget document, hereby recognized.

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 12th day of October, 2004, by Councilmember Jackman, 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, Jackman, Hawn, Keating, Marsh, O'Bryant,
Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]
JEAN ZAHR, City Clerk

(seal)

APPROVED AS TO FORM:

By: [Signature]
MIKE MILICH, City Attorney
RESOLUTION FINDING THAT A SHELTER CRISIS EXISTS WITHIN THE CITY OF MODESTO, DECLARING A SHELTER EMERGENCY AS AUTHORIZED BY THE CALIFORNIA GOVERNMENT CODE, AND AUTHORIZING THE CITY MANAGER OR DESIGNEE TO TAKE ACTIONS NECESSARY TO MITIGATE THE EFFECTS OF THE SHELTER CRISIS.

WHEREAS, there are estimated to be between 7,200 and as many as 11,000 homeless citizens in Stanislaus County, and

WHEREAS, more than an estimated 3,450 citizens are homeless in and about the City of Modesto, and

WHEREAS, all emergency shelters serving Modesto are full and unable to provide overnight shelter, and

WHEREAS, the California Legislature has determined that “A fundamental purpose of government is to protect the health and safety of persons within its jurisdiction,” and

WHEREAS, the California Legislature has determined that “Homelessness is a state which results in a direct threat to the health and safety of its victims, many of who have died, particularly during severe weather conditions, as a result of this state of homelessness,” and

WHEREAS, the months of January, February and March are historically among the coldest and most inclement months of the year in the San Joaquin Valley, and

WHEREAS, the Council of the City of Modesto finds that there is a significant number of persons who are without the ability to obtain shelter in Modesto, resulting in a threat to their health and safety, and
WHEREAS, on January 6, 2004, the City Council, by Resolution No. 2004-020, declared that a shelter crisis existed within the City of Modesto, and declared a Shelter Emergency as authorized in the California Government Code, and

WHEREAS, after the declaration of the Shelter Emergency crisis in Modesto, the Salvation Army opened a winter shelter and provided shelter to 426 unduplicated individuals and the Community Housing and Shelter Services provided motel vouchers to 239 unduplicated families and individuals, and

WHEREAS, $1,500 from the General Fund should be allocated to the Salvation Army to assist with the operation of the winter shelter, and

WHEREAS, in kind services provided by the City to the Salvation Army Winter Shelter will include exterior, non-structural maintenance, graffiti abatement, weed control and debris and litter collection, and

WHEREAS, a 3 yard-bin and weekly services will be provided by Waste Management free of charge until April 30, 2005,

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

1. That a Shelter Crisis, as that term is defined in Section 8698 of the California Government Code (“Code”), is hereby proclaimed to exist in the City of Modesto.

2. That during the term of the Shelter Crisis proclaimed by this resolution, the provisions of any state or local regulatory statute, regulation, or ordinance prescribing standards of housing, health, or safety shall be suspended to the extent that strict compliance would in any way prevent, hinder, or delay the mitigation of the effects of the Shelter Crisis.
3. That during the term of the Shelter Crisis, the Acting City Manager, or his designee, is hereby authorized to take any action that he or she deems necessary in his or her sole discretion to assist in the mitigation of the Shelter Crisis proclaimed by this resolution for the purpose of providing emergency housing in any Public Facility, as that term is defined in Code Section 8698, provided the Public Facility is located in a C-M, M-1, or M-2 zone and further provided that the Public Facility is greater than 500 feet from any single-family residence.

4. That during the term of the Shelter Crisis proclaimed by this resolution, the Acting City Manager, or his designee, shall, despite the suspension of any state or local regulatory statute, regulation, or ordinance prescribing standards of housing, health, or safety as set forth in paragraph 2, require such conditions as he or she deems necessary to ensure minimal public health and safety with respect to any Public Facilities open to the homeless during the term of the Shelter Crisis.

5. That the Acting City Manager, or his designee, is authorized to execute one or more agreements with any not-for-profit entity which is now, or proposes in the future, to operate a Public Facility open to the homeless during the term of the Shelter Crisis proclaimed by this resolution.

6. That $1,500 from the General Fund will be allocated to The Salvation Army to assist with operational costs of the winter shelter, and in kind services will be provided by the City to the Salvation Army Winter Shelter, including exterior, non-structural maintenance, graffiti abatement, weed control, debris and litter collection, a 3 yard-bin and waste management weekly services until April 30, 2005.

7. That on or before May 24, 2005, the Acting City Manager, or his designee, shall provide a report to the Council describing any and all actions taken by him or her pursuant to the authority conferred by this resolution.

8. That the Shelter Crisis proclaimed by this resolution shall terminate on April 30, 2005, unless earlier terminated or extended by a subsequent resolution of the Modesto City Council.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of October, 2004, 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, Jackman, Keating, Marsh, O’Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED AS TO FORM

MIKE MILICH, City Attorney

ATTEST: JEAN ZAHR, City Clerk

10/12/04/PR&N/J. Hannon/Item 20 2004- 542