MODESTO CITY COUNCIL
RESOLUTION NO. 2004-057

A RESOLUTION AUTHORIZING THE PURCHASING SUPERVISOR TO ISSUE A REQUEST FOR BIDS (RFB) FOR CONCRETE BOXES AND COVERS, AND CAST IRON COVERS AND FRAMES FOR AN ESTIMATED ANNUAL COST OF $75,000.00

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

WHEREAS, the Central Stores Division is responsible for maintaining inventory for concrete boxes and covers, and cast iron covers and frames (See Exhibit D) used by all City departments for City projects, and

WHEREAS, concrete boxes and covers, and cast iron covers and frames are used in several applications related to Water Division activities, and

WHEREAS, they allow access to valve connections that move water from the street main to a house, and

WHEREAS, by soliciting competitive bids for concrete boxes and covers, and cast iron covers and frames, the Finance Department-Purchasing Division will comply with Modesto Municipal Code Section 8-3.203, formal bid procedures, while obtaining the lowest possible pricing for the city,

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

SECTION 1. The City Clerk is hereby authorized to call for public competitive sealed bids for concrete boxes and covers, and cast iron covers and frames to be opened in the office of the City Clerk, 1010 10TH Street, in the City of Modesto. The City Clerk
shall be directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of January, 2004, by Councilmember Jackman, 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 ZAHN, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich, City Attorney
A RESOLUTION ACCEPTING A GRANT IN THE AMOUNT OF $16,147.00 TO FUND THE COMMUNITY EMERGENCY RESPONSE TEAM "CERT" PROGRAM AND AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH THE GOVERNOR'S OFFICE OF SERVICE AND VOLUNTEERISM FOR $16,147.00 IN GRANT FUNDS.

WHEREAS, the grant application for Modesto for the Community Emergency Response Team (CERT) was approved by the Governor’s Office of Service and Volunteerism in the amount of $16,147.00, and

WHEREAS, the funds are available to support expansion of CERT, and

WHEREAS, the CERT mission is to make communities safer, stronger and better prepared to respond to threats of terrorism, public health issues, and disasters of all kinds by engaging individuals in emergency preparedness and response education, training, and volunteer service, and

WHEREAS, the CERT program more specifically trains individual citizens in emergency response skills, and

WHEREAS, the purpose of the program is to have all citizens better prepared to respond to disasters of all kinds and a nation prepared to respond to emergencies, and

WHEREAS, the City desires to provide CERT training which will consist of both classroom and hands-on instruction to citizens in the community, and

WHEREAS, the Council on October 28, 2003, adopted Resolution No. 2003-572 approving submittal of the application for the CERT grant, and

WHEREAS, the City is required to enter into a contract with the Governor’s Office on Service and Volunteerism for the $16,147.00,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts a grant for $16,147.00 from the Governor's Office of Service and Volunteerism to fund the CERT program.

BE IT FURTHER RESOLVED that the City Council hereby authorizes the City Manager, or his designee, as the agent of the City, to execute and submit all documents which may be necessary for the completion of the grant.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of January, 2004, by Councilmember Jackman, 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 ZAIK, City Clerk

APPROVED AS TO FORM:

By: MICHAEL D. MILICH, City Attorney
A RESOLUTION AMENDING THE FY 2003-04 ANNUAL BUDGET TO ESTIMATE REVENUE OF $16,147.00 AND APPROPRIATE FUNDS FOR THE "CERT" PROGRAM.

WHEREAS, the Governor's Office of Service and Volunteerism has notified the City of Modesto of acceptance of its grant application for Community Emergency Response Teams (CERT) in the amount of $16,147.00, and

WHEREAS, said funding will provide necessary training to the public in emergency response skills and disaster preparedness,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the FY 2003-04 Annual Budget is hereby amended to recognize additional revenue and appropriations of $16,147.00 as follows:

Funds Provided From

<table>
<thead>
<tr>
<th>Account Number</th>
<th>Account Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>0410-180-1853-3550</td>
<td>Community Emergency Response Team (CERT)</td>
</tr>
</tbody>
</table>

Total Est. Cost: $16,147.00
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of January, 2004, by Councilmember Jackman, 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: [Signature]
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By [Signature]
MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2004-060

A RESOLUTION DECLARING AS SURPLUS FORTY-FIVE (45) USED MATTRESSES AND APPROVING THE DONATION OF THE FORTY-FIVE (45) USED MATTRESSES FROM THE MODESTO FIRE DEPARTMENT TO THE COALITION ON HOMELESSNESS AND POVERTY OF STANISLAUS COUNTY TO BE USED AT THE EMERGENCY SHELTER AT 320 9TH STREET.

WHEREAS, the Modesto Fire Department will be taking delivery on 45 new mattresses at the end of January 2004, and

WHEREAS, upon delivery of the new mattresses the Fire Department will have 45 used mattresses to dispose of, and

WHEREAS, normal disposal of the mattresses are through the retailer or disposal at the county landfill, and

WHEREAS, the Coalition on Homelessness and Poverty of Stanislaus County assists the emergency shelter at 320 9th Street, and

WHEREAS, the Coalition has a need for mattresses at the shelter, and

WHEREAS, the City desires to assist the Coalition by donating the used mattresses for use at the emergency shelter at 320 9th Street

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby declares as surplus the forty-five (45) mattresses and approves the donation of the forty-five (45) used mattresses to the Coalition on Homelessness and Poverty.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of January, 2004, by Councilmember Keating, 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

Attest: Jean Fahr
JEAN BAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2004-06

RESOLUTION AUTHORIZING STAFF TO PARTICIPATE IN THE
DEVELOPMENT OF GROUNDWATER MANAGEMENT PLANS AND
AUTHORIZING THE INITIAL EXPENDITURE OF CURRENTLY BUDGETED
FUNDS FOR THE DEVELOPMENT OF GROUNDWATER MANAGEMENT
PLANS FOR BOTH OF THE TWO GROUNDWATER SUB-BASINS
UNDERLYING THE CITY OF MODESTO, SPECIFICALLY, $50,000 FOR
WORK RELATED TO THE MODESTO GROUNDWATER SUB-BASIN AND
$50,000 FOR WORK RELATED TO THE TURLOCK GROUNDWATER SUB-
BASIN

WHEREAS, the City of Modesto overlies two groundwater basins and is
currently participating in two groundwater associations, the Stanislaus and Tuolumne
Rivers' Groundwater Basin Association (STRGBA) and the Turlock Groundwater Basin
Association (TGBA), to discuss groundwater issues within these respective basins, and

WHEREAS, the City of Modesto receives approximately 60% of its annual water
supply from groundwater wells located throughout the City and has experienced a decline
in groundwater quality at a number of well sites, which has resulted in those wells being
taken out of service, and

WHEREAS, the California Legislature passed Assembly Bill (AB) 3030, which is
designed to provide local public agencies increased management authority over their
groundwater resources through the adoption of a Groundwater Management Plan (GMP),
and

WHEREAS, Senate Bill (SB) 1938 expanded AB 3030 by requiring GMP's to
include certain specific components in order to be eligible for grant funding for various
types of groundwater related projects administered by the California Department of
Water Resources (DWR), and
WHEREAS, both Groundwater Basin Associations are considering developing GMP's for the respective basins, according to the requirements of AB 3030 and SB 1028, in order to be eligible for the DWR groundwater grants,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes staff to continue working with both the STRGBA and the TGBA to develop City-wide Groundwater Management Plans.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that it hereby authorizes the initial expenditure of currently budgeted funds for the development of groundwater management plans for both of the two groundwater sub-basins underlying the City of Modesto, specifically $50,000 for work related to the Modesto Groundwater sub-basin and $50,000 for work related to the Turlock Groundwater sub-basin.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of January, 2004, by Councilmember Jackman, 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
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:
By Michael D. Milich, City Attorney
A RESOLUTION AUTHORIZING CITY STAFF TO APPLY FOR VARIOUS GROUNDWATER BASIN MANAGEMENT GRANTS THROUGH THE BALANCE OF THE CURRENT 2003/04 FISCAL YEAR AND THROUGH THE UPCOMING 2004/05 FISCAL YEAR, AND AUTHORIZING THE CITY MANAGER TO EXECUTE APPLICATIONS RELATED TO SUCH GRANTS ON BEHALF OF THE CITY

WHEREAS, the City of Modesto receives approximately 60% of its annual water supply from groundwater wells located throughout the City and has experienced a decline in groundwater quality at a number of well sites, which has resulted in those wells being taken out of service, and

WHEREAS, the City of Modesto overlies two groundwater basins, the Modesto Groundwater Sub-basin (MGB) and the Turlock Groundwater Sub-basin (TGB), and

WHEREAS, the Local Groundwater Management Assistance Act of 2000 (California Water Code Section 10795 et seq.) was enacted to allow the Department of Water Resources (DWR) to administer grants to local agencies to conduct groundwater monitoring and studies, and

WHEREAS, City Staff has identified groundwater studies that are eligible for state grant funding,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes City Staff to apply for DWR groundwater basin management grants.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the City Manager, or his designee, is hereby authorized and directed to execute any applications for such grants.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of January, 2004, by Councilmember Jackman, 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

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION No. 2004-063

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A SETTLEMENT AGREEMENT WITH THE WHISPERING WOODS HOMEOWNERS ASSOCIATION WHEREBY THE CITY FORGOES COLLECTION OF $137,953 IN CODE ENFORCEMENT COSTS.

WHEREAS, from 1999 through 2003, the City aggressively pursued enforcement of City codes in the crime ridden, high-density fourplex neighborhood known as Prescott Estates, and

WHEREAS, code violations were extensive and included unsafe and/or unsanitary living conditions in most of the units, which ultimately resulted in the required vacation of almost all of the 312 units, and

WHEREAS, the majority of the private dwelling units were ultimately boarded up by private contractors hired by the City at a cost totaling $117,824, and

WHEREAS, costs incurred by the City in this board up effort were billed to the Homeowners Association, and

WHEREAS, Apartment Renovation Group, Inc. (RPM) the management company for the new owners of the properties boarded up the remainder of the units at their expense, and

WHEREAS, because the rockwell drainage was not functioning properly at the site and the City staff were concerned for the safety of children who were playing in the ponding water, as well as potential adverse impacts to the City rockwell system from Prescott Estates, these private rockwells were sealed by the court appointed Receiver as a safety precaution, and
WHEREAS, costs incurred by the City in sampling, testing, and analyzing of these private wells totaled $79,041, and

WHEREAS, cost for both the board-up of the buildings ($117,824) and the rockwell work ($79,041) totaled $196,865 due from RPM to the City of Modesto, and

WHEREAS, the rockwell work costs pre-existed the RPM ownership who had to incur additional costs to rejuvenate the private rockwells after they took over the complex, and

WHEREAS, the new ownership group is saving the City significant dollars in law enforcement costs by virtue of the best practices management of the property, thus significantly reducing calls for emergency service, and

WHEREAS, these two unpaid obligations (board-up work and rockwell rejuvenation) totaling $196,865 are a significant burden on the new ownership group and would result in higher rents to City of Modesto residents renting in the complex, and

WHEREAS, the new Whispering Woods Homeowners Association has paid off the other pre-2001 loans owed by the Prescott Estates Homeowners Association including rental rehabilitation grants on ten of the units and a $150,000 roof loan, and

WHEREAS, on December 23, 2003, the City received a written request from Whispering Woods Homeowners Association asking for the City’s forbearance on two invoices; one for work on pre-existing rockwell problems, and the second for costs associated with the board-up work done on the property,

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Modesto that it hereby approves a settlement agreement with Whispering Woods Homeowners Association in which the City foregoes collection of the rockwell work, and
the cost of the board-up work is shared equally between the City and the Whispering
Woods Homeowners Association. The City Manager is authorized and directed to
execute the settlement agreement.

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

(seal)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
A RESOLUTION APPROVING THE DESIGN AND PLANS FOR FIRE STATION NO. 11 LOCATED AT THE SOUTHWEST CORNER OF PELANDALE AVENUE AND CARVER ROAD.

WHEREAS, there has been rapid growth in the northwest portion of the city, and

WHEREAS, the City wishes to maintain an effective emergency response system,

and

WHEREAS, Resolution No. 2002-241 was adopted on May 14, 2002, authorizing the City Manager to execute the agreement with RRM Design Group to provide architectural services for the design of Fire Station No. 11, and

WHEREAS, the RRM Design Group has developed the design and plans for Fire Station No. 11, and

WHEREAS, City staff has reviewed the design and plans for Fire Station No. 11, and

and

WHEREAS, the Safety and Communities Committee met on January 6, 2003, to review the design, and supported it,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves RRM Design Group’s design and plans for Fire Station No. 11.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27\textsuperscript{th} day of January, 2004, by Councilmember O’Bryant, 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, Jackman, Keating, Marsh, O’Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Hawn

Attest: 

JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: 

MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-065  

A RESOLUTION AUTHORIZING A REQUEST FOR BIDS FOR THE CONSTRUCTION OF FIRE STATION NO. 11 LOCATED AT THE SOUTHWEST CORNER OF PELANDALE AVENUE AND CARVER ROAD.  

WHEREAS, there has been rapid growth in the northwest portion of the city, and  
WHEREAS, the City wishes to maintain an effective emergency response system, and  
WHEREAS, Resolution No. 2002-241 was adopted on May 14, 2002, authorizing the City Manager to execute an agreement with RRM Design Group to provide architectural services for the design of Fire Station No. 11, and  
WHEREAS, the RRM Design Group has developed the design and plans for Fire Station No. 11, and  
WHEREAS, City staff has reviewed the design and plans for Fire Station No. 11, and  
WHEREAS, the Safety and Communities Committee met on January 6, 2003, to review the design, and supported it, and  
WHEREAS, on January 27, 2004, by Resolution No. 2004-064, the City Council approved RRM Design Group’s design and plans for Fire Station No. 11,  

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes a Request for Bids for construction of Fire Station No. 11 located at the Southwest corner of Pelandale Avenue and Carver Road,
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of January, 2004, by Councilmember O'Bryant, 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, Jackman, Keating, Marsh, O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Hawn

Attest: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich
MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2004-066

A RESOLUTION APPOINTING THERESA HICKERSON AND GREG COLEMAN TO THE PUBLIC EVENTS COMMISSION

WHEREAS, on June 25, 2002, the Mayor and each Councilmember appointed one member to the Public Events Commission, and

WHEREAS, the newly elected members of the Council have been asked to make appointments to the Public Events Commission, and

WHEREAS, Mayor Ridenour has nominated THERESA HICKERSON to serve as a member of the Public Events Commission,

WHEREAS, Councilmember Marsh has nominated GREG COLEMAN to serve as a member of the Public Events Commission,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby appoints THERESA HICKERSON and GREG COLEMAN to the Public Events Commission.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of February, 2004, by Councilmember Jackman, 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

APPROVED AS TO FORM:  

Michael D. Milich, City Attorney

ATTEST:  

JEAN ZAHR  City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2004-067

A RESOLUTION REAPPOINTING ERNIE FOOTE AND NEAL KHATRI TO THE PUBLIC EVENTS COMMISSION

WHEREAS, on June 25, 2002, the Mayor and each Councilmember appointed one member to the Public Events Commission, and

WHEREAS, the newly elected members of the Council have been asked to make appointments to the Public Events Commission, and

WHEREAS, Councilmember Dunbar has nominated ERNIE FOOTE to serve as a member of the Public Events Commission,

WHEREAS, Councilmember Hawn has nominated NEAL KHATRI to serve as a member of the Public Events Commission,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby reappoints ERNIE FOOTE and NEAL KHATRI to the Public Events Commission.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of February, 2004, by Councilmember Jackman, 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

APPROVED AS TO FORM: 

Michael D. Milich, City Attorney

ATTEST: Jean Zahr, City Clerk
RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF LOUIS LEVIN FROM THE PLANNING COMMISSION

WHEREAS, Louis Levin was confirmed a member of the Planning Commission on November 25, 2003, and

WHEREAS, Louis Levin has tendered his resignation from the aforementioned committee, and

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

NOW, THEREFORE, BE IT RESOLVED that the resignation of Louis Levin from the Planning Commission hereby is accepted with regret.

BE IT FURTHER RESOLVED that the Council of the City of Modesto, on its own behalf, and on behalf of the citizens of this City, hereby expresses its sincere appreciation to Louis Levin for his outstanding service to the community.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of February, 2004, by Councilmember Jackman, 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
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

Michael D. Milich, City Attorney
A RESOLUTION APPROVING AN INVESTMENT SERVICES AGREEMENT BETWEEN THE FIRM OF PUBLIC FINANCIAL MANAGEMENT, INC. AND THE CITY OF MODESTO AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT

WHEREAS, City has determined that it is desirable to hire an investment services advisor to provide investment management, research and supervision of the City's Managed Funds, and

WHEREAS, a Request for Proposals for Investment Advisory Services was issued on September 11, 2003, and

WHEREAS, City staff reviewed the responses and the firms were scored based upon specific criteria and the two highest scoring firms were recommended to the City Manager, and

WHEREAS, the City desires to retain the firm of Public Financial Management, Inc. to provide said investment advisory services and the City has determined that said firm is experienced and qualified to provide these services,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Investment Advisory Services Agreement between the firm of Public Financial Management, Inc. and the City of Modesto be, and is hereby, approved.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Agreement.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of February, 2004, by Councilmember Jackman, 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 ZAHIR, City Clerk

APPROVED AS TO FORM:

By 
MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2004-070

A RESOLUTION APPROVING A FINANCIAL ADVISORY SERVICES AGREEMENT BETWEEN THE FIRM OF PUBLIC FINANCIAL MANAGEMENT, INC. AND THE CITY OF MODESTO AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT

WHEREAS, from time to time developers and property owners file with the City petitions requesting the formation of a community facilities district and the issuance of bonds to provide financing for public infrastructure which is necessary to serve new development, and

WHEREAS, City has determined that it is desirable and appropriate to hire a financial advisor to assist and advise City with respect to formation and administration of City’s bonded community facilities districts and the issuance of said bonds, and to assist and advise City on other projects as requested by the City on an as needed basis, and

WHEREAS, the City desires to retain the firm of Public Financial Management, Inc. to provide said financial advisory services and the City has determined that said firm is experienced and qualified to provide these services.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Financial Advisory Services Agreement between the firm of Public Financial Management, Inc. and the City of Modesto be, and is hereby, approved.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Agreement.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of February, 2004, by Councilmember Jackman, 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

APPROVED AS TO FORM:

By 

MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2004-071

A RESOLUTION AUTHORIZING THE APPOINTMENT OF MAYOR JIM RIDENOUR TO THE STANISLAUS COUNTY ECONOMIC DEVELOPMENT AND WORKFORCE ALLIANCE

WHEREAS, the City Councilmembers serve on various boards and committees and act as representative on behalf of the City of Modesto, and

WHEREAS, the recent election left vacancies on several boards and committees, and

WHEREAS, the Stanislaus County Economic Development and Workforce Alliance Board includes one member of the Modesto City Council to act in an advisory capacity to staff in carrying out the provisions of the agreements and also act in an advisory capacity to the legislative bodies of the parties of these agreements, and

WHEREAS, the term of offices for the councilmembers serving on these committees has expired.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that Mayor JIM RIDENOUR is hereby appointed as the City Council representative to the Stanislaus County Economic Development and Workforce Alliance Board.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10\textsuperscript{th} day of February, 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: Dunbar, Hawn, Jackman, Keating, Marsh, O’Bryant
Mayor Ridenour

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: None

(Seal)

**APPROVED AS TO THE FORM**

By: MICHAEL D. MILICH, City Attorney

ATTEST: JEAN ZAHR, City Clerk

02/10/04/Council/K Espinoza/Item 3 2 2004-071
MODESTO CITY COUNCIL
RESOLUTION NO. 2004-072

A RESOLUTION AUTHORIZING THE APPOINTMENT OF
COUNCILMEMBER DENNY JACKMAN TO THE CITIZENS ADVISORY
COMMITTEE ON RECYCLING

WHEREAS, the City Councilmembers serve on various boards and committees
and act as representative on behalf of the City of Modesto, and

WHEREAS, the recent election left vacancies on several boards and committees,
and

WHEREAS, the Citizens Advisory Committee on Recycling includes one
member of the Modesto City Council to act in an advisory capacity to staff in carrying
out the provisions of the agreements and also act in an advisory capacity to the legislative
bodies of the parties of these agreements, and

WHEREAS, the term of offices for the councilmembers serving on these
committees has expired,

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto
that Councilmember DENNY JACKMAN is hereby appointed as the City Council
representative to the Citizens Advisory Committee on Recycling.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of February, 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: Dunbar, Hawn, Jackman, Keating, Marsh, O’Bryant Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

APPROVED AS TO THE FORM
By: [Signature]
MICHAEL D. MILICH, City Attorney

JEAN ZAHR, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2004-073

A RESOLUTION AUTHORIZING THE APPOINTMENT OF COUNCILMEMBER JANICE KEATING TO THE HOUSING REHABILITATION LOAN COMMITTEE

WHEREAS, the City Councilmembers serve on various boards and committees and act as representative on behalf of the City of Modesto, and

WHEREAS, the recent election left vacancies on several boards and committees, and

WHEREAS, the Housing Rehabilitation Loan Committee includes one member of the Modesto City Council to act in an advisory capacity to staff in carrying out the provisions of the agreements and also act in an advisory capacity to the legislative bodies of the parties of these agreements, and

WHEREAS, the Council has four newly elected members and new appointments to these committees are needed,

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that Councilmember JANICE KEATING is hereby appointed as the City Council representative to the Housing Rehabilitation Loan Committee.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of February, 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: Dunbar, Hawn, Jackman, Keating, Marsh, O’Bryant Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]
JEAN ZAHR, City Clerk

APPROVED AS TO FORM

By: [Signature]
MICHAEL D. MILICH, City Attorney
A RESOLUTION AUTHORIZING THE APPOINTMENT OF MAYOR JIM RIDENOUR AND COUNCILMEMBER WILL O’BRYANT TO THE CITIZENS HOUSING AND COMMUNITY DEVELOPMENT COMMITTEE

WHEREAS, the City Councilmembers serve on various boards and committees and act as representative on behalf of the City of Modesto, and

WHEREAS, the recent election left vacancies on several boards and committees, and

WHEREAS, the Citizens Housing and Community Development Committee includes two members of the Modesto City Council to act in an advisory capacity to staff in carrying out the provisions of the agreements and also act in an advisory capacity to the legislative bodies of the parties of these agreements, and

WHEREAS, the term of offices for the councilmembers serving on these committees has expired,

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that Mayor JIM RIDENOUR and Councilmember WILL O’BRYANT are hereby appointed as the City Council representatives to the Citizens Housing and Community Development Committee.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of February, 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: 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 THE FORM

By: [Signature]
MICHAEL D. MILICH, City Attorney
A RESOLUTION AUTHORIZING THE APPOINTMENT OF COUNCILMEMBER BOB DUNBAR TO THE CITIES-COUNTY COMMITTEE

WHEREAS, the City Councilmembers serve on various boards and committees and act as representative on behalf of the City of Modesto, and

WHEREAS, the recent election left vacancies on several boards and committees, and

WHEREAS, the Cities-County Committee includes one member of the Modesto City Council to act in an advisory capacity to staff in carrying out the provisions of the agreements and also act in an advisory capacity to the legislative bodies of the parties of these agreements, and

WHEREAS, the term of offices for the councilmembers serving on these committees has expired,

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that Councilmember BOB DUNBAR is hereby appointed as the City Council representative to the Cities-County Committee.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of February, 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: Dunbar, Hawn, Jackman, Keating, Marsh, O’Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED AS TO THE FORM

By:

MICHAEL D. MILICH, City Attorney

ATTEST: JEAN ZAHR, City Clerk
A RESOLUTION AUTHORIZING THE APPOINTMENT OF MAYOR JIM RIDENOUR, COUNCILMEMBER WILL O’BRYANT, COUNCILMEMBER JANICE KEATING, CITY MANAGER JACK CRIST AND CITY ATTORNEY MIKE MILICH TO THE CITY/COUNTY LIAISON COMMITTEE

WHEREAS, the City Councilmembers serve on various boards and committees and act as representative on behalf of the City of Modesto, and

WHEREAS, the recent election left vacancies on several boards and committees, and

WHEREAS, the City/County Liaison Committee includes three members of the Modesto City Council, the City Manager and the City Attorney to act in an advisory capacity to staff in carrying out the provisions of the agreements and also act in an advisory capacity to the legislative bodies of the parties of these agreements, and

WHEREAS, the term of offices for the councilmembers serving on these committees has expired,

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that Mayor JIM RIDENOUR, Councilmember WILL O’BRYANT, Councilmember JANICE KEATING, City Manager JACK CRIST and City Attorney MIKE MILICH are hereby appointed as the City Council representatives to the City/County Liaison Committee.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of February, 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: Dunbar, Hawn, Jackman, Keating, Marsh, O'Bryant Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED AS TO THE FORM

By: MICHAEL D. MILICH, City Attorney

ATTEST: JEAN ZAHR, City Clerk

02/10/04/Council/K Espinoza/Item 3 2 2004-076
A RESOLUTION AUTHORIZING THE APPOINTMENT OF COUNCILMEMBER WILL O'BRYANT AND COUNCILMEMBER BRAD HAWN AS ALTERNATE TO THE ECONOMIC DEVELOPMENT ACTION COMMITTEE

WHEREAS, the City Councilmembers serve on various boards and committees and act as representative on behalf of the City of Modesto, and

WHEREAS, the recent election left vacancies on several boards and committees,

and

WHEREAS, the Economic Development Action Committee includes one member of the Modesto City Council to act in an advisory capacity to staff in carrying out the provisions of the agreements and also act in an advisory capacity to the legislative bodies of the parties of these agreements, and

WHEREAS, the term of offices for the councilmembers serving on these committees has expired.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that Councilmember WILL O’BRYANT and Councilmember BRAD HAWN as alternate are hereby appointed as the City Council representatives to the Economic Development Action Committee.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of February, 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: Dunbar, Hawn, Jackman, Keating, Marsh, O'Bryant Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

JEAN ZAHR, City Clerk

(Seal)

APPROVED AS TO THE FORM

By: MICHAEL D. MILICH, City Attorney
A RESOLUTION AUTHORIZING THE APPOINTMENT OF COUNCILMEMBER WILL O'BRYANT AND MAYOR JIM RIDENOUR AS ALTERNATE TO THE JPA GOVERNING BOARD FOR THE EMERGENCY DISPATCH CENTER

WHEREAS, on March 19, 1999, Council approved an Emergency Dispatch renovation agreement to remodel, furnish, and equip the City/County building at 3705 Oakdale Road and approved a Joint Exercise of Powers Agreement with Stanislaus County for shared operation of the Emergency Dispatch Center effective September, 1999.

WHEREAS, the JPA Agreement calls for the creation of a governing board of seven members: three County, three City of Modesto and one member appointed by the six members of the JPA Governing Board.

WHEREAS, as the Council has four newly elected members and new appointments to the various committees are needed,

NOW, THEREFORE, be it resolved, that Councilmember WILL O'BRYANT is appointed as the City Council representative and Mayor JIM RIDENOUR as the alternate to the Emergency Dispatch JPA.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of February, 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: Dunbar, Hawn, Jackman, Keating, Marsh, O'Bryant Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
JEAN ZAHR, City Clerk

(Seal)

APPROVED AS TO THE FORM

By: MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2004-079

A RESOLUTION AUTHORIZING THE APPOINTMENT OF
COUNCILMEMBER DENNY JACKMAN AND COUNCILMEMBER WILL
O’BRYANT AND JOCELYN REED AS ALTERNATES TO THE INTEGRATED
WASTE MANAGEMENT LOCAL TASK FORCE COMMITTEE

WHEREAS, the City Councilmembers serve on various boards and committees
and act as representative on behalf of the City of Modesto. and

WHEREAS, the recent election left vacancies on several boards and committees,
and

WHEREAS, the Integrated Waste Management Local Task Force Committee
includes one member of the Modesto City Council to act in an advisory capacity to staff
in carrying out the provisions of the agreements and also act in an advisory capacity to
the legislative bodies of the parties of these agreements, and

WHEREAS, the term of offices for the councilmembers serving on these
committees has expired.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto
that Councilmember DENNY JACKMAN and Councilmember WILL O’BRYANT and
JOCELYN REED as alternates are hereby appointed the City Council representatives to
the Integrated Waste Management Local Task Force Committee.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of February, 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: 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 THE FORM

By: [Signature]
MICHAEL D. MILICH, City Attorney
A RESOLUTION AUTHORIZING THE APPOINTMENT OF COUNCILMEMBER DENNY JACKMAN TO THE INTER-REGIONAL PARTNERSHIP BOARD

WHEREAS, the City Councilmembers serve on various boards and committees and act as representative on behalf of the City of Modesto, and

WHEREAS, the recent election left vacancies on several boards and committees, and

WHEREAS, the Inter-Regional Partnership Board includes one member of the Modesto City Council to act in an advisory capacity to staff in carrying out the provisions of the agreements and also act in an advisory capacity to the legislative bodies of the parties of these agreements, and

WHEREAS, the Council has received four newly elected members and appointments to these committees are needed,

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that Councilmember DENNY JACKMAN is hereby appointed as the City Council representative to the Inter-Regional Partnership Board.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of February, 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: Dunbar, Hawn, Jackman, Keating, Marsh, O’Bryant
Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: __________________________
JEAN ZAHR, City Clerk

(Seal)

APPROVED AS TO THE FORM

By: __________________________
MICHAEL D. MILICH, City Attorney
A RESOLUTION AUTHORIZING THE APPOINTMENT OF COUNCILMEMBER DENNY JACKMAN TO THE LEAGUE OF CALIFORNIA CITIES – CENTRAL VALLEY DIVISION EXECUTIVE COMMITTEE

WHEREAS, the City Councilmembers serve on various boards and committees and act as representative on behalf of the City of Modesto, and

WHEREAS, the recent election left vacancies on several boards and committees, and

WHEREAS, the League of California Cities Central Valley Division Executive Committee includes one member of the Modesto City Council to act in an advisory capacity to staff in carrying out the provisions of the agreements and also act in an advisory capacity to the legislative bodies of the parties of these agreements, and

WHEREAS, the Council has four newly elected members and appointments to these various committees are needed,

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that Councilmember DENNY JACKMAN is hereby appointed as the City Council representative to the League of California Cities Central Valley Division Executive Committee.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of February, 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: Dunbar, Hawn, Jackman, Keating, Marsh, O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
JEAN ZAHR, City Clerk

(SEAL)

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

2004-081
MODESTO CITY COUNCIL
RESOLUTION NO. 2004-082

A RESOLUTION AUTHORIZING THE APPOINTMENT OF MAYOR JIM RIDENOUR, COUNCILMEMBER BRAD HAWN, COUNCILMEMBER JANICE KEATING AND COUNCILMEMBER DENNY JACKMAN TO THE MID DOMESTIC WATER POLICY BOARD

WHEREAS, the City Councilmembers serve on various boards and committees and act as representative on behalf of the City of Modesto, and

WHEREAS, the recent election left vacancies on several boards and committees, and

WHEREAS, the MID Domestic Water Policy Board includes four members of the Modesto City Council to act in an advisory capacity to staff in carrying out the provisions of the agreements and also act in an advisory capacity to the legislative bodies of the parties of these agreements, and

WHEREAS, the Council has four newly elected members and appointments to these various committees is needed,

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that Mayor JIM RIDENOUR, Councilmember BRAD HAWN, Councilmember JANICE KEATING, and Councilmember DENNY JACKMAN are hereby appointed as the City Council representatives to the MID Domestic Water Policy Board.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of February, 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: Dunbar, Hawn, Jackman, Keating, Marsh, O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
JEAN ZAHR, City/Clerk

(Seal)

APPROVED AS TO THE FORM

By: 
MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2004-083

A RESOLUTION AUTHORIZING THE APPOINTMENT OF MAYOR JIM RIDENOUR, COUNCILMEMBER DENNY JACKMAN, COUNCILMEMBER JANICE KEATING AND COUNCILMEMBER BOB DUNBAR AS ALTERNATE TO THE STANCOG POLICY BOARD

WHEREAS, the City Councilmembers serve on various boards and committees and act as representative on behalf of the City of Modesto, and

WHEREAS, the recent election left vacancies on several boards and committees, and

WHEREAS, the StanCOG Policy Board includes three members of the Modesto City Council to act in an advisory capacity to staff in carrying out the provisions of the agreements and also act in an advisory capacity to the legislative bodies of the parties of these agreements, and

WHEREAS, the term of offices for the councilmembers serving on these committees has expired.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that Mayor JIM RIDENOUR, Councilmember DENNY JACKMAN, Councilmember JANICE KEATING and Councilmember BOB DUNBAR as alternate are hereby appointed as the City Council representatives to the StanCOG Policy Board.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of February, 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: Dunbar, Hawn, Jackman, Keating, Marsh, O’Bryant Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk

(Seal)

APPROVED AS TO THE FORM

By: Michael D. Milich, City Attorney
A RESOLUTION AUTHORIZING THE APPOINTMENT OF COUNCILMEMBER JANICE KEATING TO THE STANISLAUS COUNTY WATER COORDINATING ADVISORY COMMITTEE

WHEREAS, the City Councilmembers serve on various boards and committees and act as representative on behalf of the City of Modesto, and

WHEREAS, the recent election left vacancies on several boards and committees, and

WHEREAS, the Stanislaus County Water Coordinating Advisory Committee includes one member of the Modesto City Council to act in an advisory capacity to staff in carrying out the provisions of the agreements and also act in an advisory capacity to the legislative bodies of the parties of these agreements, and

WHEREAS, the term of offices for the councilmembers serving on these committees has expired.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that Councilmember JANICE KEATING is hereby appointed as the City Council representative to the Stanislaus County Water Coordinating Advisory Committee.
The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 10th day of February, 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: Dunbar, Hawn, Jackman, Keating, Marsh, O'Bryant
Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:
JEAN ZAHR, City Clerk

(Seal)

APPROVED AS TO THE FORM

MICHAEL D. MILICH, City Attorney

02/10/04/Council/K Espinoza/Item 3 2 2004-084
MODESTO CITY COUNCIL
RESOLUTION NO. 2004-085

A RESOLUTION AUTHORIZING THE APPOINTMENT OF COUNCILMEMBER BRAD HAWN AND COUNCILMEMBER GARRAD MARSH TO THE JPA GOVERNING BOARD FOR TENTH STREET PLACE

WHEREAS, the City Councilmembers serve on various boards and committees and act as representative on behalf of the City of Modesto,

WHEREAS, the recent election left vacancies on several boards and committees.

WHEREAS, the Tenth Street Place JPA Agreement calls for the creation of a governing board which includes two members of the Modesto City Council to act in an advisory capacity to staff in carrying out the provisions of the agreements and also act in an advisory capacity to the legislative bodies of the parties of these agreements.

WHEREAS, the term of offices for the councilmembers serving on these committees have expired,

NOW, THEREFORE, be it resolved, that Councilmember BRAD HAWN and Councilmember GARRAD MARSH are appointed as the City Council representatives to the Tenth Street Place Joint Powers Agency.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of February, 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: Dunbar, Hawn, Jackman, Keating, Marsh, O’Bryant Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

JEAN ZAHN, City Clerk

(Seal)

APPROVED AS TO THE FORM 

By: 

MICHAEL D. MILICH, City Attorney
WHEREAS, the City Councilmembers serve on various boards and committees and act as representative on behalf of the City of Modesto,

WHEREAS, the recent election left vacancies on several boards and committees.

WHEREAS, the Tuolumne River Regional Park JPA Agreement calls for the creation of a governing board which includes two members of the Modesto City Council to act in an advisory capacity to staff in carrying out the provisions of the agreements and also act in an advisory capacity to the legislative bodies of the parties of these agreements.

WHEREAS, the term of offices for the councilmembers serving on these committees have expired,

NOW, THEREFORE, be it resolved, that Mayor JIM RIDENOUR and Councilmember DENNY JACKMAN are appointed as the City Council representatives to the Tuolumne River Regional Park Joint Powers Agency.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of February, 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: Dunbar, Hawn, Jackman, Keating, Marsh, O'Bryant
Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

(Seal)

ATTEST: JEAN ZAHR, City Clerk

APPROVED AS TO THE FORM

By: MICHAEL D. MILICH, City Attorney
A RESOLUTION AUTHORIZING THE APPOINTMENT OF COUNCILMEMBER JANICE KEATING AND COUNCILMEMBER BRAD HAWN AND COUNCILMEMBER GARRAD MARSH AS ALTERNATE TO THE JPA GOVERNING BOARD FOR THE WASTE TO ENERGY

WHEREAS, the City Councilmembers serve on various boards and committees and act as representative on behalf of the City of Modesto,

WHEREAS, the recent election left vacancies on several boards and committees.

WHEREAS, the Waste to Energy JPA Agreement calls for the creation of a governing board which includes two members of the Modesto City Council to act in an advisory capacity to staff in carrying out the provisions of the agreements and also act in an advisory capacity to the legislative bodies of the parties of these agreements.

WHEREAS, the term of offices for the councilmembers serving on these committees have expired,

NOW, THEREFORE, be it resolved, that Councilmember JANICE KEATING and Councilmember BRAD HAWN are appointed as the City Council representatives and Councilmember GARRAD MARSH as alternate to the Waste to Energy Joint Powers Agency.
The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 10th day of February, 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: Dunbar, Hawn, Jackman, Keating, Marsh, O’Bryant
Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:    
JEAN ZAHR, City Clerk

(Seal)

APPROVED AS TO THE FORM

By:    
MICHAEL D. MILICH, City Attorney

02/10/04/Council/K Espinoza/Item 3  2  2004-087
A RESOLUTION AMENDING THE FISCAL YEAR 2003-2004 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 2003-2004,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that appropriations, revenues, and transfers for the 2003-2004 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 10th day of February, 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 THE FORM

By:  
MICHAEL D. MILICH, City Attorney
## Engineering & Transportation

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<th>#</th>
<th>Account</th>
<th>Description</th>
<th>Fund</th>
<th>Agency</th>
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<td>Appropriation</td>
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<td>Justification</td>
<td>This adjustment is to restore funding to an Assistant Civil Engineer in the Development Review and Permits Section. The position was part of the add backs that the Council recommended for E&amp;T during the budget hearings. This adjustment will put the funding back to the position that was recently filled.</td>
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<td>Revenues</td>
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<td>To:</td>
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<td>6040</td>
<td>556,000</td>
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<td>Justification</td>
<td>This adjustment allows us to book the mid-year revenue and match for better tracking and reimbursement purposes. Adjustment being made to the construction object line reflects an increase in budget to match the amount of the grant.</td>
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<td>8000</td>
<td>8003</td>
<td>6320r</td>
<td></td>
<td>$277,777</td>
<td>$277,777</td>
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<tr>
<td></td>
<td>Appropriations</td>
<td>Construction increased to match AIP27</td>
<td>6320</td>
<td>440</td>
<td>N561</td>
<td>6040</td>
<td>N561</td>
<td>6040</td>
<td>$100,000</td>
<td>$100,000</td>
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</tr>
<tr>
<td></td>
<td></td>
<td>Using Aircraft Tax</td>
<td>6330</td>
<td>700</td>
<td>N561</td>
<td>7632</td>
<td>6330G</td>
<td>6033</td>
<td>$37,221</td>
<td>$37,221</td>
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<td></td>
<td>Transfer</td>
<td>City Match for AIP#26 &amp; #27 Using Aircraft Tax</td>
<td>6330</td>
<td>700</td>
<td>N561</td>
<td>9633</td>
<td></td>
<td></td>
<td>$37,221</td>
<td>$37,221</td>
<td></td>
</tr>
</tbody>
</table>
|     | Justification| This adjustment is a cleanup of Airport CIP N561 - Security ID Display and will allow the revenues to be placed in the mid-year revenue so that they will roll with the project until completion. This allows for better tracking of reimbursements and expenses. Also being done is to recognize AIP27 FAA grant of $250,000 and increasing the project budget to reflect increase in funding. The match for AIP26&27 will be Aircraft Tax. Also, an adjustment for design is being made to reflect the actual
## Budget Adjustments for the Month of January 2004

<table>
<thead>
<tr>
<th>#</th>
<th>Type of Account</th>
<th>Description</th>
<th>Fund</th>
<th>Agency</th>
<th>Org</th>
<th>Object/Unit</th>
<th>Current Budget ($)</th>
<th>Adjustment Amount ($)</th>
<th>Revised Budget ($)</th>
</tr>
</thead>
<tbody>
<tr>
<td>#4</td>
<td>Appropriations</td>
<td>Aircraft Tax Reserve</td>
<td>6330</td>
<td>800</td>
<td>8003</td>
<td>6330r</td>
<td>$353,000</td>
<td>-44,444</td>
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<td></td>
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<td>Decrease budget to match</td>
<td>6320</td>
<td>440</td>
<td>N559</td>
<td>6010</td>
<td>N559</td>
<td>-556</td>
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<tr>
<td></td>
<td>Appropriations</td>
<td>Airport CIP Fund Contingency Reserve</td>
<td>6320</td>
<td>800</td>
<td>8000</td>
<td>8003</td>
<td>6320r</td>
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<td>$45,000</td>
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<tr>
<td></td>
<td>Transfer</td>
<td>Aircraft tax to cover match</td>
<td>6330</td>
<td>700</td>
<td>N559</td>
<td>7632</td>
<td>6330g</td>
<td>$44,444</td>
<td>$44,444</td>
</tr>
<tr>
<td></td>
<td>Transfer</td>
<td>Aircraft tax to cover match</td>
<td>6320</td>
<td>700</td>
<td>N559</td>
<td>9633</td>
<td></td>
<td>$44,444</td>
<td>$44,444</td>
</tr>
<tr>
<td></td>
<td>Justification</td>
<td>This adjustment to N559 - Emergency Airfield Generator, allows us to book the mid-year revenue and match for better tracking and reimbursement purposes.</td>
<td></td>
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<tr>
<td>#5</td>
<td>Appropriations</td>
<td>Aircraft Tax Reserve</td>
<td>6330</td>
<td>800</td>
<td>8003</td>
<td>6330r</td>
<td>(44,444)</td>
<td>-29,000</td>
<td>(73,444)</td>
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<tr>
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<td>Appropriations</td>
<td>Contingency Reserve</td>
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<td>800</td>
<td>8000</td>
<td>8003</td>
<td>6320r</td>
<td>$29,000</td>
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<td></td>
<td>Transfer</td>
<td>Aircraft tax to cover match</td>
<td>6330</td>
<td>700</td>
<td>N127</td>
<td>7632</td>
<td>6330g</td>
<td>$29,000</td>
<td>$29,000</td>
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<tr>
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<td>Transfer</td>
<td>Aircraft tax to cover match</td>
<td>6320</td>
<td>700</td>
<td>N127</td>
<td>9633</td>
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<td>$29,000</td>
<td>$29,000</td>
</tr>
<tr>
<td></td>
<td>Justification</td>
<td>This adjustment to N127 (Perimeter Access Road) allows us to book the mid-year revenue and match for better tracking and reimbursement purposes.</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>#6</td>
<td>Revenues</td>
<td>FAA Grant AIP-25</td>
<td>6320</td>
<td>160</td>
<td>M254</td>
<td>3613</td>
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<td>Reduce Budget</td>
<td>6320</td>
<td>160</td>
<td>M254</td>
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<tr>
<td></td>
<td>Appropriations</td>
<td>Airport Operating Reserve</td>
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<td>8000</td>
<td>8003</td>
<td>6310R</td>
<td>-$66,317</td>
<td>$238,767</td>
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<tr>
<td></td>
<td>Justification</td>
<td>This adjustment to M254 (Master Plan) allows us to book the mid-year revenue and match for better tracking and reimbursement purposes. The reduction of object 608 is to correct a prior budget adjustment (BT085) made in error.</td>
<td></td>
<td></td>
<td></td>
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<td></td>
<td></td>
</tr>
</tbody>
</table>

MONTHLY ADJUSTMENTS
WORKSHEET FOR FY03-04
## Budget Adjustments for the Month of January 2004

### MONTHLY ADJUSTMENTS WORKSHEET FOR FY03-04

<table>
<thead>
<tr>
<th>#</th>
<th>Type of Account</th>
<th>Description</th>
<th>Fund Agcy Orgn</th>
<th>Object Revenue</th>
<th>App Unit</th>
<th>Current Budget ($)</th>
<th>Adjustment Amount ($)</th>
<th>Revised Budget ($)</th>
</tr>
</thead>
<tbody>
<tr>
<td>#7</td>
<td>Revenues</td>
<td>FAA Grant AIP-28</td>
<td>6320 440 Q143 3613</td>
<td></td>
<td></td>
<td>$330,000</td>
<td></td>
<td>$330,000</td>
</tr>
<tr>
<td></td>
<td>Appropriations</td>
<td>Aircraft Tax Reserve</td>
<td>6330 800 8000 8003 6330r</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Decrease construction to match revenue</td>
<td>6220 440 Q143 6040 Q143</td>
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<td>$357,000</td>
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<td>$94,445</td>
<td>$262,555</td>
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<tr>
<td></td>
<td>Appropriations</td>
<td>Airport Operating Reserve</td>
<td>6320 800 8000 8003 6320r</td>
<td></td>
<td></td>
<td>$450,000</td>
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<td></td>
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<td>$25,555</td>
<td></td>
<td>$25,555</td>
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<tr>
<td></td>
<td>Transfer</td>
<td>FAA Match AIP-28</td>
<td>6320 700 Q143 9633</td>
<td></td>
<td></td>
<td>$25,555</td>
<td></td>
<td>$25,555</td>
</tr>
</tbody>
</table>

**Justification**: This budget adjustment is to show the grant revenue for Project #Q143. The grant requires a 10% match. Since the Passenger Fees (PFC) are committed at this time, the City did not want to pass on the opportunity to receive an overall $2.5 million grant. The match is available in Fund 6330.

---

| #8 | Revenues | FAA Grant AIP-28 | 6320 440 X219 3613 | | | $670,000 | | $670,000 |
| | Appropriations | Aircraft Tax Reserve | 6330 800 8000 8003 6330r | | | | | |
| | | Decrease construction to match revenue | 6220 440 X219 6040 X219 | | $627,000 | | $22,556 | $604,444 |
| | Appropriations | Airport Operating Reserve | 6320 800 8000 8003 6320r | | | $767,000 | | $767,000 |
| | Transfer | Aircraft Tax as Match | 6330 700 X219 7632 A208g | | | $74,444 | | $74,444 |
| | Transfer | Aircraft Tax as Match | 6320 700 X219 9633 | | | $74,444 | | $74,444 |

**Justification**: This budget adjustment is to show the revenue received from the FAA grant AIP#28 and a 10% match is required. Since the Passenger Fees (PFC) are committed at this time, the City did not want to pass on the opportunity to receive a $2.5 million grant, so it was decided that the General Fund would loan the Airport Fund the match. Once the adjustments are completed, this project will be renamed to A008 to signify this is a current project ("X" delineates future project).
# Budget Adjustments for the Month of January 2004

<table>
<thead>
<tr>
<th>Type of Account</th>
<th>Description</th>
<th>Fund</th>
<th>Agency</th>
<th>Orgn</th>
<th>Revenue</th>
<th>App Unit</th>
<th>Current Budget ($)</th>
<th>Adjustment Amount ($)</th>
<th>Revised Budget ($)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>CFD Administration - City Manager's Department</strong></td>
<td></td>
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<td></td>
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<tr>
<td>#9 Appropriation</td>
<td>Contingency Reserve</td>
<td>0800</td>
<td>800</td>
<td>8000</td>
<td>8003</td>
<td>0800r</td>
<td></td>
<td>-$10,000</td>
<td>-$10,000</td>
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</tr>
<tr>
<td></td>
<td>Revenue</td>
<td>CFD Formation Fees</td>
<td>2600</td>
<td>020</td>
<td>0206</td>
<td>4048</td>
<td>26006c</td>
<td></td>
<td>$10,000</td>
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</tr>
<tr>
<td></td>
<td>Transfer</td>
<td>Transfer out to Fund 2600</td>
<td>0800</td>
<td>700</td>
<td>7000</td>
<td>7260</td>
<td>0800g</td>
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</tr>
<tr>
<td></td>
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<td>7000</td>
<td>9080</td>
<td></td>
<td></td>
<td>$10,000</td>
</tr>
<tr>
<td>Justification</td>
<td>In 1997, JKB Homes posted a deposit of $10,000 for annexation #2 to CFD #1996-1 (Village One). At that time, administration of the CFDs was being transferred to the City Attorney's office from CEDD. The $10,000 deposit was inadvertently deposited into #080-140-1436-4058.15 rather than into the formation/annexation account for CFD #1996-1.</td>
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<td></td>
</tr>
<tr>
<td><strong>Operations &amp; Maintenance Department</strong></td>
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<td></td>
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<tr>
<td>#10 Appropriation</td>
<td>General Fund Reserves</td>
<td>0100</td>
<td>800</td>
<td>8000</td>
<td>8003</td>
<td>0100r</td>
<td></td>
<td>-$34,399</td>
<td>-$34,399</td>
</tr>
<tr>
<td></td>
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<td></td>
</tr>
<tr>
<td></td>
<td>Appropriations</td>
<td>Professional Services</td>
<td>0100</td>
<td>480</td>
<td>4522</td>
<td>0235</td>
<td>4800c</td>
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<td>$349,277</td>
</tr>
<tr>
<td>Justification</td>
<td>This budget adjustment is to reimburse Parks, Service and Maintenance for the design, installation and additional work of a beautification project authorized in 2001 by</td>
<td></td>
<td></td>
<td></td>
<td></td>
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<td></td>
<td></td>
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<td><strong>Finance Department</strong></td>
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<td></td>
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<tr>
<td>#11 Appropriation</td>
<td>Contingency Reserves</td>
<td>0100</td>
<td>800</td>
<td>8000</td>
<td>8003</td>
<td>0100r</td>
<td>(1,396,160)</td>
<td></td>
<td>-$20,972</td>
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</tr>
<tr>
<td></td>
<td>Appropriations</td>
<td>Professional Services</td>
<td>0100</td>
<td>120</td>
<td>1222</td>
<td>0235</td>
<td>1200c</td>
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<td>$137,800</td>
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<td>Justification</td>
<td>On December 11, 2003, Council approved the use of General Fund Reserves to pay Vavrinek, Trine, Day and Co. LLP for additional work on CFD audits. This adjustment will authorize the Finance Department to amend the budget to appropriate funds from the General Fund Reserve to cover the payment to VTD.</td>
<td></td>
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<td></td>
<td></td>
</tr>
</tbody>
</table>

MONTHLY ADJUSTMENTS

WORKSHEET FOR FY03-04
## Budget Adjustments for the Month of January 2004

### Police Department

<table>
<thead>
<tr>
<th>n#</th>
<th>Account</th>
<th>Description</th>
<th>Fund</th>
<th>Agency</th>
<th>Orgn</th>
<th>Revenue</th>
<th>Unit</th>
<th>Current Budget ($)</th>
<th>Adjustment</th>
<th>Revised Budget ($)</th>
</tr>
</thead>
<tbody>
<tr>
<td>12</td>
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<td>Reserves - Special Fund for Capital Outlay</td>
<td>1300</td>
<td>800</td>
<td>8000</td>
<td>8003</td>
<td>1300r</td>
<td>2,100,000</td>
<td>-$1,100,000</td>
<td>$1,000,000</td>
</tr>
</tbody>
</table>

**Justification**: This adjustment in the amount of $1,100,000 is to appropriate monies set-aside for anticipated costs related to a bond financed construction project.

### Airport Operations

<table>
<thead>
<tr>
<th>n#</th>
<th>Account</th>
<th>Description</th>
<th>Fund</th>
<th>Agency</th>
<th>Orgn</th>
<th>Revenue</th>
<th>Unit</th>
<th>Current Budget ($)</th>
<th>Adjustment</th>
<th>Revised Budget ($)</th>
</tr>
</thead>
<tbody>
<tr>
<td>12</td>
<td>Appropriation</td>
<td>Aircraft Taxes</td>
<td>6330</td>
<td>800</td>
<td>8000</td>
<td>8003</td>
<td></td>
<td>-$25,000</td>
<td>-$25,000</td>
<td></td>
</tr>
</tbody>
</table>

**Justification**: With the recent retirement of Airport Manager, Howard Cook, an amendment needs to be made to provide the necessary funding allowing the City Manager to enter into a contract with Ralph Anderson & Associates to conduct a nationwide recruitment for the position of Airport Manager. Once transferred, these funds will then be encumbered to a contract with Ralph Anderson & Associates for an amount not to exceed $25,000.

<table>
<thead>
<tr>
<th>n#</th>
<th>Account</th>
<th>Description</th>
<th>Fund</th>
<th>Agency</th>
<th>Orgn</th>
<th>Revenue</th>
<th>Unit</th>
<th>Current Budget ($)</th>
<th>Adjustment</th>
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<tr>
<td>13</td>
<td>Appropriation</td>
<td>Aircraft Taxes</td>
<td>6310</td>
<td>800</td>
<td>8000</td>
<td>8003</td>
<td></td>
<td>-$3,600</td>
<td>-$3,600</td>
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</tr>
</tbody>
</table>

**Justification**: This budget adjustment is to appropriate additional funds into the operating budget to cover unanticipated expenses in the current year's budget. The $2,500 is to cover expenses for Police Dept security services not covered by the Transportation Security Administration mandate. A transfer in the amount of $1,100 is to cover the cost associated with the purchase of a roll-up door for one of the T-Hangar storage units in order to provide secure all-weather storage.
MODESTO CITY COUNCIL
RESOLUTION NO. 2004-090

A RESOLUTION AMENDING EXHIBIT "N" OF RESOLUTION 2003-330, ENTITLED "A RESOLUTION GRANTING SALARY AND BENEFIT CHANGES TO UNREPRESENTED MANAGEMENT AND CONFIDENTIAL EMPLOYEES, EFFECTIVE JULY 1, 2003" TO CHANGE THE SALARY RANGE FOR POLICE CHIEF AND FIRE CHIEF FROM RANGE 1425 TO RANGE 1427, EFFECTIVE FEBRUARY 10, 2004.

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 increase the Salary Range for Police Chief and Fire Chief from Range 1425 to Range 1427,

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


Exhibit "N" entitled "City of Modesto Class Range Table, Executive Management Effective July 1, 2003," attached to Resolution No. 2003-330, is hereby amended as shown on the amended Exhibit "N" entitled, "City of Modesto Class Range Table Executive Management Effective February 10, 2004," which is attached hereto and made a part hereof as though set forth in full herein. Said amended Exhibit "N" changes the Salary Range for Police Chief and Fire Chief from Range 1425 to Range 1427.

SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after February 10, 2004.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of February, 2004, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: ____________________________
JEAN ZAHN, City Clerk

(Seal)

APPROVED AS TO THE FORM

By: ________________________________
MICHAEL D. MILICH, City Attorney
CITY OF MODESTO
CLASS RANGE TABLE
EXECUTIVE MANAGEMENT

Effective February 10, 2004

<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
</tr>
</thead>
<tbody>
<tr>
<td>1410</td>
<td>City Clerk/Auditor</td>
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<tr>
<td>1411 - 1419</td>
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</tr>
<tr>
<td>1420</td>
<td>Finance Director</td>
</tr>
<tr>
<td></td>
<td>Operations and Maintenance Director</td>
</tr>
<tr>
<td></td>
<td>Personnel Director</td>
</tr>
<tr>
<td></td>
<td>Recreation and Neighborhoods Director</td>
</tr>
<tr>
<td>1421</td>
<td></td>
</tr>
<tr>
<td>1422</td>
<td>Chief Information Officer</td>
</tr>
<tr>
<td></td>
<td>Community Development Director</td>
</tr>
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<td>1423</td>
<td>Engineering and Transportation Director</td>
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<tr>
<td>1424</td>
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<td>1426</td>
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<tr>
<td>1427</td>
<td>Deputy City Manager</td>
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<td>Fire Chief</td>
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<td>Police Chief</td>
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<td>1428</td>
<td>City Attorney</td>
</tr>
<tr>
<td>1429 - 1432</td>
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</tr>
<tr>
<td>1433</td>
<td>City Manager</td>
</tr>
</tbody>
</table>

EXHIBIT N
MODESTO CITY COUNCIL
RESOLUTION NO. 2004-091

A RESOLUTION APPROVING THE TIMELINE FOR CITIZEN PARTICIPATION CALENDAR OF EVENTS FOR 2004-2005 HUD ANNUAL ACTION PLAN AND PUBLIC SERVICE GRANTS, AND ESTIMATED AMOUNTS FOR THE PUBLIC SERVICE GRANTS.

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

WHEREAS, the City adopted and last amended its Citizen Participation Plan in October 1998, a copy of which is available for review at the Recreation and Neighborhood Services Division office at Tenth Street Place, and

WHEREAS, the proposed calendar for citizen participation includes Public Service grant applications for CDBG as well as ESG proposals, and

WHEREAS, staff anticipates the proposed allocation of $150,000 of Public Service grants will be designated for the operation of allowable City programs, such as the Crime Free Multi Housing Project and recreation programs, and

WHEREAS, staff anticipates the proposed estimated RFP amounts for Public Service grants will be $308,100 in CDBG funds and $105,715 in ESG funds, and

WHEREAS, at its January 29, 2004, meeting, the Citizens Housing and Community Development Committee considered and supported staff recommendations for the timeline for the Citizen Participation Calendar of Events for 2004-2005 HUD Annual Action Plan and Public Service grants, and for the estimated RFP amounts for Public Service grants,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves the timeline for the Citizen Participation Calendar of Events for 2004-2005 HUD Annual Action Plan and Public Service grants, and for the estimated RFP amounts for Public Service grants, a copy of which is attached hereto as Exhibit “A” 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 10th day of February, 2004, by Councilmember Dunbar, who moved its adoption, which motion being duly seconded by Councilmember O’Bryant, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
JEAN ZAHR, City Clerk

(Seal)

APPROVED AS TO THE FORM

By: MICHAEL D. MILICH, City Attorney
### Activity Details

<table>
<thead>
<tr>
<th>Activity</th>
<th>Date</th>
<th>Time</th>
</tr>
</thead>
<tbody>
<tr>
<td>CH&amp;CDC Meeting to approve the draft timeline for Public Service Grants and Action Plan for 2004-2005/Citizen Participation Calendar of Events; Room 4104, Tenth Street Place</td>
<td>Jan 29, 2004</td>
<td>12:00 noon</td>
</tr>
<tr>
<td>City Council Meeting to approve the draft timeline for Public Service Grants and Annual Action Plan for 2004-2005/Citizen Participation Calendar of Events; Council Chambers, Tenth Street Place</td>
<td>Feb 3, 2004</td>
<td>5:30 p.m.</td>
</tr>
<tr>
<td>Application Period for Public Service Grants opens</td>
<td>Feb 2, 2004</td>
<td>8:00 a.m.</td>
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<tr>
<td>Staff Technical Assistance Workshop for ESG Public Service Grants, Room 4104, Tenth Street Place</td>
<td>Feb 10, 2004</td>
<td>9:00 a.m.</td>
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<tr>
<td>Staff Technical Assistance Workshop for CDBG Public Service Grants, Room 4104, Tenth Street Place</td>
<td>Feb 11, 2004</td>
<td>9:00 a.m.</td>
</tr>
<tr>
<td>Application Deadline for Funding Requests of Public Service Grants</td>
<td>Feb 27, 2004</td>
<td>5:00 p.m.</td>
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<tr>
<td>Analysis of Public Service Funding Requests by staff and Review Committee</td>
<td>Feb 28 to</td>
<td>Mar 12, 2004</td>
</tr>
<tr>
<td>Community meetings to obtain input on Annual Action Plan projects/activities: Tenth Street Place, Airport Neighbor's United, Chrysler School, and King-Kennedy Center</td>
<td>Mar 17, 18, 24, 25, 2004</td>
<td>6:00 p.m.</td>
</tr>
<tr>
<td>CH&amp;CDC Meeting and public hearing to consider Requests for Funding of Public Service Applications, Room 2001, Tenth Street Place</td>
<td>Mar 26, 2004</td>
<td>12:00 noon</td>
</tr>
<tr>
<td>Public notice announcing availability of final draft of 2004-2005 Annual Action Plan for review and comments</td>
<td>Apr 9, 2004</td>
<td></td>
</tr>
<tr>
<td>City Council Meeting to consider and approve Funding Recommendations for Public Service Applications, Council Chambers, Tenth Street Place</td>
<td>Apr 13, 2004</td>
<td>5:30 p.m.</td>
</tr>
<tr>
<td>CH&amp;CDC Meeting to consider final draft of 2004-2005 Annual Action Plan, Room 4104, Tenth Street Place</td>
<td>Apr 23, 2004</td>
<td>12:00 noon</td>
</tr>
<tr>
<td>City Council Meeting and public hearing to consider and approve recommendations for the 2004-2005 Annual Action Plan, Council Chambers, Tenth Street Place</td>
<td>May 11, 2004</td>
<td>5:30 p.m.</td>
</tr>
<tr>
<td>Submission of 2004-2005 Annual Action Plan to HUD</td>
<td>May 28, 2004</td>
<td></td>
</tr>
</tbody>
</table>
MODESTO CITY COUNCIL
RESOLUTION NO. 2004-092

A RESOLUTION APPOINTING WILLIAM GLICK TO THE CITIZENS ADVISORY COMMITTEE ON RECYCLING

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

WHEREAS, the Economic Development Committee met on February 9, 2004, and recommended appointment of WILLIAM GLICK to the Citizens Advisory Committee on Recycling.

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

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

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed member of the Citizens Advisory Committee on Recycling, and the Secretary thereof.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of February, 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: Dunbar, Hawn, Jackman, Keating, Marsh, O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk

APPROVED AS TO FORM:

Michael D. Milich, City Attorney
MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-093  

A RESOLUTION APPOINTING JAYNA M. HAMEL AND RICHARD L. MENDOZA TO THE COMMUNITY QUALITIES FORUM

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

WHEREAS, Councilmember Will O’Bryant has recommended JAYNA M. HAMEL as his selection to the Community Qualities Forum, and

WHEREAS, the Economic Development Committee met on February 9, 2004, and recommended appointment of RICHARD L. MENDOZA to the Community Qualities Forum.

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

SECTION 1. JAYNA M. HAMEL and RICHARD L. MENDOZA are hereby appointed to the Community Qualities Forum with term expirations of January 1, 2008.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed members of the Community Qualities Forum and the Secretary thereof.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of February, 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: Dunbar, Hawn, Jackman, Keating, Marsh, O’Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED AS TO FORM: ____________

Michael D. Milich, City Attorney

ATTEST: ____________

JEAN ZAHN, City Clerk
A RESOLUTION APPOINTING VALORI A. LEE TO THE CULTURE COMMISSION

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

WHEREAS, the Economic Development Committee met on February 9, 2004, and recommended appointment of VALORI A. LEE to the Culture Commission.

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

SECTION 1. VALORI A. LEE is hereby appointed to the Culture Commission with a term expiration of January 1, 2006.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the appointed member of the Culture Commission, and the Secretary thereof.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of February, 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: Dunbar, Hawn, Jackman, Keating, Marsh, O’Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED AS TO FORM: 

Michael D. Milich, City Attorney

ATTEST: Jean Zahr

JEAN ZAHR, City Clerk
A RESOLUTION APPOINTING PHILIP S. ANSELMO JR. TO THE DISABLED ACCESS APPEALS BOARD

WHEREAS, Section 1102 of the Charter of the City of Modesto authorizes the City Council to appoint members to various Boards and Commissions, and
WHEREAS, the Economic Development Committee met on February 9, 2004, and recommended appointment of PHILIP S. ANSELMO JR. to the Disabled Access Appeals Board.

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

SECTION 1. PHILIP S. ANSELMO JR. is hereby appointed to the Disabled Access Appeals Board with a term expiration of January 1, 2008.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the appointed member of the Disabled Access Appeals Board, and the Secretary thereof.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of February, 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: Dunbar, Hawn, Jackman, Keating, Marsh, O’Bryant, Mayor Ridenour

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: None

APPROVED AS TO FORM: _________________________

Michael D. Milich, City Attorney

ATTEST: ____________________________

JEAN ZAHR, City Clerk
A RESOLUTION APPOINTING CLARA AZEVEDO AND RYNE CONDER TO THE GOLF COURSES ADVISORY COMMITTEE

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

WHEREAS, the Economic Development Committee met on February 9, 2004, and recommended appointment of CLARA AZEVEDO, representing the Muni Niners Golf Club, and RYNE CONDER, representing the Creekside Golf Club.

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

SECTION 1. CLARA AZEVEDO, representing Muni Niners Golf Club, and RYNE CONDER, representing the Creekside Golf Club, are hereby appointed to the Golf Courses Advisory Committee with term expirations of January 1, 2008.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed members of the Golf Courses Advisory Committee, and the Secretary thereof.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of February, 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: Dunbar, Hawn, Jackman, Keating, Marsh, O’Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk

APPROVED AS TO FORM:

Michael D. Milich, City Attorney
A RESOLUTION APPOINTING DAVID K. HANNEKE AND SARETH PEN TO THE HUMAN RELATIONS COMMISSION

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

WHEREAS, the Economic Development Committee met on February 9, 2004, and recommended appointment of DAVID K. HANNEKE and SARETH PEN to the Human Relations Commission.

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

SECTION 1. DAVID K. HANNEKE and SARETH PEN are hereby appointed to the Human Relations Commission with term expirations of January 1, 2008.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the appointed members of the Human Relations Commission, and the Secretary thereof.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of February, 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: Dunbar, Hawn, Jackman, Keating, Marsh, O’Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED AS TO FORM: 

Michael D. Milich, City Attorney

ATTEST: JEAN ZAHN, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2004-098

A RESOLUTION AWARDING A $190,700 CONTRACT TO O’DELL ENGINEERING, INC. FOR ENGINEERING DESIGN SERVICES FOR THE PROJECT TITLED “FLOYD AVE. ROAD IMPROVEMENT PROJECT FROM OAKDALE RD. TO ROSELLE AVE.”

WHEREAS, following a Request for Qualifications which was sent to all local engineering firms, six statements of qualifications were received for the Floyd Avenue Design and were submitted to the City, and

WHEREAS, a selection team decided all six firms were qualified to provide engineering design services, and

WHEREAS, the selection team decided that O’Dell Engineering, Inc., rated highest for the design of the Floyd Avenue Road Improvement Project, in accordance with Administrative Directive 3.1, and

WHEREAS, the District Engineer has recommended that O’Dell Engineering, Inc., be accepted as the most qualified engineering consulting firm for engineering design services for the “Floyd Ave. Road Improvement Project From Oakdale Rd. to Roselle Ave.”, and

WHEREAS, the District Engineer has recommended accepting the proposal of O’Dell Engineering, Inc., in an amount not to exceed $190,700.00,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby awards a contract for engineering design services for the project titled “Floyd Ave. Road Improvement Project From Oakdale Rd. to Roselle Ave.” to O’Dell Engineering, Inc., in an amount not to exceed $190,700.00.
BE IT FURTHER RESOLVED that the District Administrator, or his designee, is hereby authorized to execute the contract.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of February, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember O’Bryant, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney

02/24/04/CMO/V Dion/Item 03 2 2004-098
MODESTO CITY COUNCIL
RESOLUTION NO. 2004-099

A RESOLUTION AWARDING A $197,139 CONTRACT TO STANTEC, INC. FOR ENGINEERING DESIGN SERVICES FOR THE PROJECT TITLED “CARVER-BANGS/PELANDALE-SNYDER CFD NO. 1998-2 STORM DRAINAGE IMPROVEMENTS, EAST BASIN AND WEST BASIN PUMP STATIONS TO MID LATERAL NO. 6.”

WHEREAS, following a Request for Qualifications which was sent to 100+ civil engineering firms including all local engineering firms, 13 statements of qualifications were received by the District, and

WHEREAS, a selection team unanimously decided that one engineering firm stood out amongst the 12 other firms and was best qualified to provide the necessary engineering design services, and

WHEREAS, the selection team determined that Stantec, Inc., rated highest in accordance with Administrative Directive 3.1, and

WHEREAS, the District Engineer has recommended that Stantec Inc., be accepted as the most qualified engineering consulting firm to provide engineering design services for the “Carver-Bangs/Pelandale-Snyder CFD No. 1998-2 Storm Drainage Improvements, East Basin and West Basin Pump Stations to MID Lateral No. 6 Project”, and

WHEREAS, the District Engineer has recommended accepting the proposal of Stantec, Inc., in an amount not to exceed $197,139.00,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby awards a contract for engineering design services for the project titled “Carver-Bangs/Pelandale-Snyder CFD No. 1998-2 Storm Drainage Improvements, East
Basin and West Basin Pump Stations to MID Lateral No. 6 Project.” to Stantec, Inc., in an amount not to exceed $197,139.00.

BE IT FURTHER RESOLVED that the District Administrator, or his designee, is hereby authorized to execute the contract.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of February, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember O’Bryant, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2004-100

A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF FRED HERMAN FROM THE COMMUNITY QUALITIES FORUM, EFFECTIVE FEBRUARY 24, 2004

WHEREAS, FRED HERMAN was appointed a member of the Community Qualities Forum on May 8, 2001; and

WHEREAS, FRED HERMAN has tendered her resignation from the Community Qualities Forum, effective February 24, 2004; and

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

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

BE IT FURTHER RESOLVED that the Council of the City of Modesto, on its own behalf, and on behalf of the citizens of this City, hereby expresses its sincere appreciation to FRED HERMAN for her outstanding service to the community.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of February, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember O’Bryant, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2004-101

A RESOLUTION ADOPTING REASONABLY AVAILABLE 2004 LOCAL GOVERNMENT TRANSPORTATION CONTROL MEASURES IN THE EXTREME OZONE ATTAINMENT DEMONSTRATION PLAN FOR THE SAN JOAQUIN VALLEY

WHEREAS, the San Joaquin Valley Air Pollution Control District (SJVAPCD) has been designated by the Governor of California as the regional air quality planning agency in San Joaquin Valley, and

WHEREAS, the San Joaquin Valley non-attainment area was initially classified as a Severe Area for ozone according to the Clean Air Act, and

WHEREAS, on February 5, 2002, by Resolution Number 2002-43 the City adopted Modesto’s Reasonably Available Transportation Control Measures (TCMs) which were included in the SJVAPCD Severe Area Ozone Plan, and

WHEREAS, the San Joaquin Valley Air Pollution Control District has reclassified the San Joaquin Valley as Extreme non-attainment for the one-hour ozone standard and is now developing an Extreme Ozone Attainment Demonstration Plan, and

WHEREAS, the Extreme Ozone Attainment Demonstration Plan is required to include Reasonably Available Control Measures from the City of Modesto, and

WHEREAS, the City of Modesto is required to make a new commitment recognizing the Extreme status by implementing updated Reasonably Available Control Measures,

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

RESCINDED

[Signature]
4-27-04

02/24/04/E&T/T. Easley/Item 06
1. That the Council of the City of Modesto agrees to proceed with a good faith
effort to implement the Transportation Control Measures (TCMs) identified in
Exhibit A which is part of this resolution; and

2. That the Council of the City of Modesto commits to implement the TCMs as
scheduled and with the funding sources identified. Recognizing, however,
that the availability of necessary funding may depend on the funding programs
or processes of various state and federal agencies, the City of Modesto agrees
to consider modifications of the funding or schedules for implementation
actions, if necessary.

The foregoing resolution was introduced at a regular meeting of the Council of the
City of Modesto held on the 24th day of February, 2004, by Councilmember Jackman,
who moved its adoption, which motion being duly seconded by Councilmember
O'Bryant, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: Jean Fahr

JEAN ZAHN, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich, City Attorney
Explanations for Commitment to the 2004 Control Measures

Measure Title: ST 1.1: Regional Express Bus Program

Measure Description: Purchase of buses to operate regional express bus services.

Responsible Agency for Implementation: City of Modesto: Engineering and Transportation, Operations and Maintenance

Implementation Schedule: Existing. Continuation of existing service dependent upon continued availability of revenue from federal and state sources and continued level of existing demand for service. Evaluation of service expansion contingent upon availability of full capital and operating funding from State and Federal sources specifically earmarked for public transit service.

Funding Allocated to Measure and Source: Service expansion contingent upon availability of funding from State and Federal sources specifically earmarked for public transit service. Potential funding sources include: Congestion Mitigation and Air Quality, Local Transportation Funds and passenger fares.

Monitoring: The City of Modesto agrees to provide information to the Air Pollution Control District as requested to complete the Air District’s Annual Report.

Measure Title: ST 1.2: Transit Access to Airports

Measure Description: Operation of transit to regional airports to serve air passengers.

Responsible Agency for Implementation: City of Modesto: Engineering and Transportation, Operations and Maintenance

Implementation Schedule: Existing. Continuation of service dependent upon continuation of existing level of state and federal transit revenue and in rider demand.

Funding Allocated to Measure and Source: Continuation of service dependent upon continuation of existing level of state and federal transit revenue. Potential funding sources include FTA Sec 5307, Local Transportation Funds, and passenger fares.

Monitoring: The City of Modesto agrees to provide information to the Air Pollution Control District as requested to complete the Air District’s Annual Report.
Measure Title: ST 1.5: Expansion of Public Transportation Systems

Measure Description: Expand and enhance existing public transit services. Monitor needs for increased frequencies on heavily used routes; implement as appropriate; implement service as appropriate for newly developed areas.

Responsible Agency for Implementation: City of Modesto: Engineering and Transportation, Operations and Maintenance

Implementation Schedule: Dependent upon available revenue and rider demand. Implementation of service subject to an increase in state and federal funding to fully fund both capital and operating costs for public transit service.

Funding Allocated to Measure and Source: Potential funding sources include FTA Section 5307, Local Transportation Funds, and passenger fares.

Monitoring: The City of Modesto agrees to provide information to the Air Pollution Control District as requested to complete the Air District’s Annual Report.

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Measure Title: ST 1.7 Free Transit During Special Events

Measure Description: As funding is available offer free transit during selected special events to reduce event related congestion and associated emissions increases. Includes Try Transit Week, Modesto’s International Festival, and service to the annual free Thanksgiving dinner at Modesto Centre Plaza.

Responsible Agency for Implementation: City of Modesto: Engineering and Transportation, Operations and Maintenance

Implementation Schedule: Dependent upon available revenue and rider demand.

Funding Allocated to Measure and Source: Potential funding sources include: FTA Section 5307, Local Transportation Funds and passenger fares.

Monitoring: The City of Modesto agrees to provide information to the Air Pollution Control District as requested to complete the Air District’s Annual Report.

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Measure Title: ST 3.5: Preferential Parking for Carpools and Vanpools

Measure Description: This measure encourages public and private employers to provide preferential parking spaces for carpools and vanpools to decrease the number of single occupant automobile work trips. The preferential treatment could include covered parking spaces or close-in spaces.
**Responsible Agency for Implementation:** City of Modesto: Engineering and Transportation, Operations and Maintenance

**Implementation Schedule:** The feasibility of this strategy at Tenth Street Plan has been evaluated. This plan will be reviewed every 24 months to assess if the feasibility of this strategy has changed.

**Funding Allocated to Measure and Source:** There is no cost involved with the evaluation.

**Monitoring:** The City of Modesto agrees to provide information to the Air Pollution Control District as requested to complete the Air District’s Annual Report.

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**Measure Title:** ST 3.16: Telecommuting

**Measure Description:** Goal of specified percentage of employees telecommuting at least once per week.

**Responsible Agency for Implementation:** City of Modesto: Engineering and Transportation, Operations and Maintenance, Information Technology, Parks, Recreations and Neighborhoods (pilot project)

**Implementation Schedule:** We have supported one full time telecommuter on a pilot basis, and are providing limited telecommuting opportunities to staff and contractors where business necessity recommends this approach. Employees have access to their city e-mail account to facilitate telecommuting.

**Funding Allocated to Measure and Source:** There is no cost involved with the evaluation.

**Monitoring:** The City of Modesto agrees to provide information to the Air Pollution Control District as requested to complete the Air District’s Annual Report.

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**Measure Title:** ST 5.1: Develop Intelligent Transportation Systems

**Measure Description:** “Intelligent Transportation Systems” includes various technological applications intended to produce more efficient use of existing transportation corridors.

**Responsible Agency for Implementation:** City of Modesto: Engineering and Transportation (Traffic Engineering)

**Implementation Schedule:** Three projects currently identified for this measure have been completed. These projects include an expansion of the ATMS Northeast completed by the end of 2002, an expansion of the ATMS Northwest completed by the end of 2003 and Phase III of the Closed Circuit Television completed by the end of 2002.
Funding Allocated to Measure and Source: The current projects are funded out of Congestion Mitigation and Air Quality funds.

- ATMS Northeast $490,428
- Pelanda-ATMS/CCTV: $425,000
- Expand ATMS – College $100,000
- ATMS Northwest: $805,000
- CCTV: $1,290,940

Monitoring: The City of Modesto agrees to provide information to the Air Pollution Control District as requested to complete the Air District’s Annual Report.

Measure Title: ST 5.2: Coordinate Traffic Signal Systems

Measure Description: This measure implements and enhances synchronized traffic signal systems to provide steady traffic flow at moderate speeds. In 2002 the City of Modesto won CATS award for best use of federal funds for the synchronizing the light outside the downtown core.

Responsible Agency for Implementation: City of Modesto: Engineering and Transportation (Traffic Engineering)

Implementation Schedule: Ongoing as long as Congestion Mitigation and Air Quality funds remain available for these projects. Current projects included: 1- synchronize downtown lights 2004; and 2- synchronize outside downtown core 2006.

Funding Allocated to Measure and Source: There is no specific funding associated with this measure. Future projects will be dependent upon Congestion Mitigation and Air Quality allocations.

Monitoring: The City of Modesto agrees to provide information to the Air Pollution Control District as requested to complete the Air District’s Annual Report.

Measure Title: ST 5.3: Reduce Traffic Congestion at Major Intersections

Measure Description: This measure implements a wide range of traffic control techniques designed to facilitate smooth, safe travel through intersections. These techniques include signalization, turn lanes, roundabouts, or median dividers. The use of grade separations may also be appropriate in cases where adequate funding is available for high volume or unusually configured intersections.

Responsible Agency for Implementation: City of Modesto: Engineering and Transportation (Traffic Engineering)

Implementation Schedule: On-going as long as Congestion Mitigation and Air Quality funding is available for these projects. Recent projects include roundabouts on Bowen and La Loma.
**Funding Allocated to Measure and Source:** Potential funding sources include Congestion Mitigation and Air Quality funds, Gas Tax funds and Capital Facilities Fees.

**Monitoring:** The City of Modesto agrees to provide information to the Air Pollution Control District as requested to complete the Air District’s Annual Report.

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**Measure Title:** ST 5.4: Site-Specific Traffic Control Measures

**Measure Description:** This measure could include geometric or traffic control improvements at specific congested intersections or at other substandard locations. Another example might be programming left turn signals at intersections to lag, rather than lead, the green time for through traffic.

**Responsible Agency for Implementation:** City of Modesto: Engineering and Transportation (Traffic Engineering)

**Implementation Schedule:** On-going as long as Congestion Mitigation and Air Quality funds remain available. Recent projects include: 1 - Woodland / Carpenter to 9th Street; 2 - Scenic and Oakdale; 3 - Pelandale Dale to Tully; and, 4 - Kansas Needham Overpass.

**Funding Allocated to Measure and Source:** Potential funding sources include Congestion Mitigation and Air Quality funds, Capital Facilities Fees, and Gas Tax funds.

**Monitoring:** The City of Modesto agrees to provide information to the Air Pollution Control District as requested to complete the Air District’s Annual Report.

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**Measure Title:** ST 5.9: Bus Pullouts in Curbs for Passenger Loading

**Measure Description:** Provide a limited number of additional bus pullouts in curbs, or queue jumper lanes for passenger loading and unloading in new areas.

**Responsible Agency for Implementation:** City of Modesto: Engineering and Transportation (Traffic Engineering)

**Implementation Schedule:** The City of Modesto operates a program to install bus pullouts in new development through the City’s standard specifications for new development.

**Funding Allocated to Measure and Source:** This measure is to be paid from the Capital Facilities Fees program until such a time as the program is modified or discontinued.

**Monitoring:** The City of Modesto agrees to provide information to the Air Pollution Control District as requested to complete the Air District’s Annual Report.
Measure Title: ST 5.13: Fewer Stop Signs

Measure Description: Improve traffic flow by removing stop signs and implementing alternative intersection control devices such as roundabouts.

Responsible Agency for Implementation: City of Modesto: Engineering and Transportation (Traffic Engineering)

Implementation Schedule: This project is on-going as long as Congestion Mitigation and Air Quality funds remain available for utilization.

Funding Allocated to Measure and Source: Potential funding sources include Congestion Mitigation and Air Quality funds, Capital Facilities Fees, and Gas Tax funds.

Monitoring: The City of Modesto agrees to provide information to the Air Pollution Control District as requested to complete the Air District’s Annual Report.

Measure Title: ST 7.16: Trip Reduction Oriented Development

Measure Description: The General Plan provides that all new Specific Plan areas are to incorporate walkability and include commercial, residential and schools in proximity to residential. Modesto’s development pattern is well above average density for the region.

Responsible Agency for Implementation: City of Modesto: Planning and Community Development Department

Implementation Schedule: On-going until revised by Council. As part of the upcoming General Plan Update and future Specific Plans the Council will consider expansion of, or additional pedestrian-oriented and “smart growth” development policies or standards that would result in trip reduction oriented development.

Funding Allocated to Measure and Source: No funding source was identified.

Monitoring: The City of Modesto agrees to provide information to the Air Pollution Control District as requested to complete the Air District’s Annual Report.

Measure Title: ST 7.18: Sustainable Development

Measure Description: The General Plan provides that all new Specific Plan areas are to incorporate walkability and include commercial, residential and schools in proximity to residential. Modesto’s development pattern is well above average density for the region.

Responsible Agency for Implementation: City of Modesto: Planning and Community Development Department
Implementation Schedule: On-going until revised by Council. As part of the upcoming General Plan Update and future Specific Plans the Council will consider expansion of, or additional pedestrian-oriented and “smart growth” development policies or standards that would result in trip reduction oriented development.

Funding Allocated to Measure and Source: No funding source has been identified for this measure.
Monitoring: The City of Modesto agrees to provide information to the Air Pollution Control District as requested to complete the Air District’s Annual Report.

Measure Title: ST 8.1: Financial Incentives, Including Zero Bus Fares

Measure Description: Provide financial incentives or other benefits, such as free or subsidized bus passes and cash payments for not driving, in lieu of parking spaces for employees who do not drive to the workplace.

Responsible Agency for Implementation: City of Modesto: Engineering and Transportation

Implementation Schedule: The City of Modesto currently provides free rides to work for all of its employees and will continue this program subject to evaluation/termination during the meet and confer process with City employee representatives.

Funding Allocated to Measure and Source: Currently, this program is funded with Local Transportation Funds.

Monitoring: The City of Modesto agrees to provide information to the Air Pollution Control District as requested to complete the Air District’s Annual Report.

Measure Title: ST 8.3: Preferential Parking for Carpoolers

Measure Description: Provide preferential for carpoolers.

Responsible Agency for Implementation: City of Modesto: Engineering and Transportation

Implementation Schedule: The feasibility of this strategy at Tenth Street Place has been evaluated. This feasibility will be reviewed every 24 months.

Funding Allocated to Measure and Source: There is no cost involved with the evaluation.

Monitoring: The City of Modesto agrees to provide information to the Air Pollution Control District as requested to complete the Air District’s Annual Report.
Measure Title: ST 9.2: Encouragement of Pedestrian Travel

Measure Description: This measure involves the use of pedestrian travel as an alternative to automobile travel. Pedestrian travel is quite feasible for short shopping, business, or school trips. Promotion of pedestrian travel could be included in air pollution public awareness efforts to remind people of this basic alternative. The City of Modesto encourages pedestrian travel by providing Class I trails that connect neighborhoods with schools, shopping and employment centers. The planned 4.2-mile Virginia Corridor bike/pedestrian trail will be a major north-south artery connecting downtown Modesto with residential neighborhoods, schools, parks and commercial areas. Other Class I trails include the 3-mile Hetch-Hetchy Trail in north Modesto, the 5-mile Mensinger Trail along Dry Creek between downtown and Claus Road at the eastern limits of Modesto. The 3-mile Bev Kilpatrick Trail along the Tuolumne River provides a recreational walking experience and will ultimately connect to the downtown Modesto. The City also has plans for Class I trails along the irrigation canals within the city limits and for the entire river and creek system in Modesto.

Responsible Agency for Implementation: The City of Modesto Parks, Recreation and Neighborhood Department.

Implementation Schedule: The City’s ongoing rideshare program that encourages alternative forms of transportation. In addition, as part of the upcoming General Plan Update and future Specific Plans the Council will consider expansion of, or additional pedestrian-oriented and “smart growth” development policies or standards that would result in pedestrian-oriented development. In addition the city’s Parks, Recreation and Neighborhood Department has an ongoing program for the development of walking trails.

Funding Allocated to Measure and Source: The City of Modesto will continue its rideshare program so long as CMAQ funds are available for that purpose.

Monitoring: The City of Modesto agrees to provide information to the Air Pollution Control District as requested to complete the Air District’s Annual Report.

Measure Title: ST 9.3: Bicycle/Pedestrian program

Measure Description: Fund high priority projects within the City of Modesto as part of countywide plans consistent with funding availability. The Parks Recreation and Neighborhoods Department is seeking State and Federal funding for Class I trail construction of the trails listed above in ST 9.2. The Virginia Corridor Trail is a high priority project for funding. All 11 miles of existing Class I trails and those that are planned are to be multi-user trails and will support walking, biking jogging and skating.

Responsible Agency for Implementation: City of Modesto Parks Recreation and Neighborhoods Department
**Implementation Schedule:** As part of the upcoming General Plan Update and future Specific Plans the Council will consider expansion of, or additional alternative transportation and “smart growth” development policies or standards that would result in development friendly to bicycle/pedestrian travel.

**Funding Allocated to Measure and Source:** Current funding includes Safe Routes to Schools funds for trail/street crossing improvements from College to Granger $440,000 grant; $44,000 City match; Proposition 40: $350,000; Federal RSTP: $400,000; State Bicycle Transportation Account (BTA): $697,000 to apply toward construction from Orangeburg to College. Rotary Centennial Project: Donation of Labor and funds by Modesto’s 5 Rotary Clubs, with a value of $500,000 for construction from Roseburg to Orangeburg. Future funding may include CMAQ, LTF. All funding sources will be aggressively pursued.

**Monitoring:** The City of Modesto agrees to provide information to the Air Pollution Control District as requested to complete the Air District’s Annual Report.

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**Measure Title:** ST 9.5: Encouragement of Bicycle Travel

**Measure Description:** Promotion of bicycle travel to reduce automobile use and improve air quality. Bikeway system planning routes for inter-city bike trips to help bicyclists avoid other, less safe facilities. Another area for potential actions is the development and distribution of educational materials, regarding bicycle use and safety.

**Responsible Agency for Implementation:** City of Modesto: Engineering and Transportation, City of Modesto Parks Recreation and Neighborhoods Department

**Implementation Schedule:** The City of Modesto will continue to hold the bike to work day and family cycling festival to encourage bicycle travel. In addition, as part of the upcoming General Plan Update and future Specific Plans the Council will consider expansion of, or additional “smart growth” development policies or standards that would result in neighborhood design to encourage connectivity, and linkages between residential and non-residential development to provide opportunities for non-motorized modes including bicycles.

**Funding Allocated to Measure and Source:** Congestion Mitigation and Air Quality has been identified as a potential funding source.

**Monitoring:** The City of Modesto agrees to provide information to the Air Pollution Control District as requested to complete the Air District’s Annual Report.

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**Measure Title:** ST 9.11: Safe Routes to School

**Measure Description:** Continue to apply for grants to improve pedestrian and bicycle travel for school trips. The current Safe Routes to Schools grant monies will fund construction of intersection improvements along the Virginia Corridor Trail between College Avenue and
Granger Avenue. The improvements will include L.E.D. lights in crosswalks at five street crossings, sidewalk, curb ramp and street light improvements and is to be constructed Summer, 2004. See item 9.2 for more detail on the Virginia Corridor. Other projects will be considered for funding applications as opportunities come available.

**Responsible Agency for Implementation:** City of Modesto: Engineering and Transportation (Traffic Engineering), City of Modesto Parks Recreation and Neighborhoods Department

**Implementation Schedule:** On-going as long as funding remains available. In 2004 the City of Modesto received $698,798 of state department of transportation funds for a bicycle train along the Virginia Corridor. In 2003 $294,000 was received from the state to pay for flashing-light crosswalks, curb ramps, streetlights and sidewalks at the trail crossings on the corridor.

**Funding Allocated to Measure and Source:** Potential funding sources for this measure include the Safe Routes to School Program and Congestion Mitigation and Air Quality funds.

**Monitoring:** The City of Modesto agrees to provide information to the Air Pollution Control District as requested to complete the Air District’s Annual Report.

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**Measure Title:** ST 10.2: Bicycle Racks on Buses

**Measure Description:** Bicycle racks have been placed on all urban buses to increase bicycle travel.

**Responsible Agency for Implementation:** City of Modesto: Engineering and Transportation

**Implementation Schedule:** All City of Modesto urban transit buses have bicycle racks on them. Bicycle racks will be added to new buses as long as Federal and State funding remains available for the purchase of buses.

**Funding Allocated to Measure and Source:** Congestion Mitigation and Air Quality Funds as well as, Federal Transit Agency Section 5307 funds have been identified as potential funding sources.

**Monitoring:** The City of Modesto agrees to provide information to the Air Pollution Control District as requested to complete the Air District’s Annual Report.

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**Measure Title:** ST 11.8: Ban Cruising during Ozone Alert Days

**Measure Description:** Police enforced. Cruising is prohibited by ordinance in Modesto.

**Responsible Agency for Implementation:** City of Modesto Police Department
Implementation Schedule: On-going until such time as the measure is revisited/revoked.

Funding Allocated to Measure and Source: No specific funding source was identified.

Monitoring: The City of Modesto agrees to provide information to the Air Pollution Control District as requested to complete the Air District’s Annual Report.

Measure Title: ST 11.9: Discourage Drive-Thru’s in new development

Measure Description: Reduce the number of drive-thrus in new development or declare a moratorium on new development with drive-thrus until air quality standards are achieved.

Responsible Agency for Implementation: City of Modesto: Community and Economic Development Department

Implementation Schedule: As part of the upcoming General Plan Update and future Specific Plans the Council will consider expansion of, or additional alternative transportation and “smart growth” development policies or standards that would result in development friendly to bicycle/pedestrian travel.

Funding Allocated to Measure and Source: No specific funding source was identified.

Monitoring: The City of Modesto agrees to provide information to the Air Pollution Control District as requested to complete the Air District’s Annual Report.

Measure ST 13.1: Alternative Work Schedules

Measure Description: Where appropriate, based on work requirements and employee availability for customer service, consider and implement limited pilot projects for alternative work schedules.

Responsible Agency for Implementation: City of Modesto: Personnel, Engineering and Transportation Department, Modesto Police Department, Modesto Fire Department, Operations and Maintenance Department

Implementation Schedule: In labor negotiations, alternative work schedules are options in each of the bargaining unit memorandums of understanding. Based on these MOU’s alternative work schedules are utilized in several departments and are based on work requirements, employee scheduling and the needs of the department.

Currently there are employees in many departments including Police, Fire, Engineering and Transportation and Operations and Maintenance Departments who work alternative work schedules. This has been worked through any pilot stage issues and are part of the normal business practices for the departments. In the future, when appropriate, the City of Modesto will consider looking at other options for alternative work schedule projects.
**Funding Allocated to Measure and Source:** Funding for alternative work schedules are not available. Alternative work schedules projects will only be able to be accomplished if they work within existing funding availability.

**Monitoring:** The City of Modesto agrees to provide information to the Air Pollution Control District as requested to complete the Air District’s Annual Report.

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**Measure Title:** ST 13.5: Internet Commerce and Education

**Measure Description:** Encourage the use of the Internet to conduct public and private business and education.

**Responsible Agency for Implementation:** Various City departments in coordination with the City’s Information Services Department.

**Implementation Schedule:** Currently underway and on-going. Examples of City services available on the Internet are: business license forms and listings, Purchasing contracting opportunities, claim forms, employment opportunities and applications forms, zoning maps and Assessor’s plats, utility information, City Standard Design and Construction Specifications, streaming live and archived City Council Meetings, City Council agendas, staff reports and minutes, Council Committee Agendas, the Modesto Municipal Code, Parks and Recreation Department recreational activity registration forms, and complaint/comment/suggestion forms.

**Funding Allocated to Measure and Source:** These activities are supported by the General Fund and various Utility Enterprise Funds, as may be appropriate.

**Monitoring:** The City of Modesto agrees to provide information to the Air Pollution Control District as requested to complete the Air District’s Annual Report.

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**Measure Title:** ST 14.3: Land Use/Development Alternatives

**Measure Description:** This measure includes encouraging land use patterns which support public transit and other alternative modes of transportation. In general, this measure would also encourage land use patterns designed to reduce travel distances between related land uses (e.g., Residential-commercial). Shorter trip lengths ultimately relieve traffic congestion and improve air quality. The Modesto General Plan provides that all new Specific Plan areas are to incorporate walkability and include commercial, residential, and schools in proximity to residential. Modesto’s development pattern is well above average density for the region.

**Responsible Agency for Implementation:** City of Modesto: Planning Economic and Development Department
Implementation Schedule: As part of the upcoming General Plan Update and future Specific Plans, the Council will consider expansion of existing "neo-traditional" policies, or additional "smart growth" development policies and standards that would result in Specific Plan and neighborhood design to encourage connectivity and linkages between residential and non-residential uses and land-use patterns that would provide increased opportunities for non-motorized and alternative modes as well as reduce reliance on automobiles.

Funding Allocated to Measure and Source: No specific funding source was identified for this measure.

Monitoring: The City of Modesto agrees to provide information to the Air Pollution Control District as requested to complete the Air District's Annual Report.

Measure Title: ST 15.2: Pedestrian and Bicycle Overpasses Where Safety Dictates

Measure Description: On-going implementation as development occurs and as funding is available. One current project is the 9th Street Bridge that will have pedestrian sidewalks on either side of the bridge, with a fog stripe delineating a shoulder area for stalled vehicles. This shoulder is approximately 7.5 feet wide and could facilitate bicycle travel. The Specific Plan for the Virginia Corridor Trail project includes pedestrian bridge over crossings at three road crossings: Briggsmore Avenue, Standiford Avenue and Pelalandale Avenue. The over crossings are considered essential over these roads due to the high-speed and high-volume of vehicle traffic they experience. A future pedestrian over crossing at the new Enochs High School has been identified as a specific project. Pedestrian and Bicycle safety necessitate these over crossings.

Responsible Agency for Implementation: City of Modesto: Engineering and Transportation (Traffic Engineering)

Implementation Schedule: On-going as funding is available. The Enochs High School over Crossing is funded through a combination of developer fees and school funding.

Funding Allocated to Measure and Source: Potential sources include developer funding, pedestrian safety funds and Congestion Mitigation and Air Quality funds.

Monitoring: The City of Modesto agrees to provide information to the Air Pollution Control District as requested to complete the Air District’s Annual Report.

Measure ST 17.15: Encourage the Purchase and Use of Alternative, Cleaner Vehicles.

Measure Description: Encourage the purchase and use of alternative, cleaner vehicles in city operations where appropriate

Responsible Agency for Implementation: City of Modesto: Engineering and Transportation, Modesto Police Department
**Implementation Schedule:** This project is on-going as long as funds are available for purchase and operations of the vehicles. Current projects include the addition of hybrid vehicles to the city fleet, purchase of hybrid buses for the transit fleet and purchase and operation of electric vehicles for police parking control.

**Funding Allocated to Measure and Source:** Potential funding sources include Congestion Mitigation and Air Quality funds, Capital Facilities Fees, and Gas Tax funds.

**Monitoring:** The City of Modesto agrees to provide information to the Air Pollution Control District as requested to complete the Air District’s Annual Report.
Explanations for Non-Commitment to the 2004 Control Measures

**Measure ST 1.4: Mass Transit Alternatives**
The City of Modesto already operates a fixed route service as well as, a Dial-A-Ride service. As such, this measure is fiscally infeasible due to the expanded transit service already provided by the City of Modesto.

**Measure ST 3.1: Commute Solutions**
This measure would be better served by implementation at the regional level. As such, the City of Modesto does not find it to be fiscally feasible to implement this measure. However, it should be noted that the City of Modesto supports the StanCOG regional rideshare program.

**Measure ST 3.9: Encourage Merchants and Employers to Subsidize the Cost of Transit for Employees**
This measure would be better served by implementation at the regional level. As such, the City of Modesto does not find it to be fiscally feasible to implement this measure.

**Measure ST 5.16: Adaptive Traffic Signals and Signal Timings**
Modesto currently has deployed a closed loop system with flexibility to implement a traffic responsive mode. Conversion to an adaptive traffic signal system is not fiscally feasible for the City of Modesto to implement.

**Measure ST 7.14: Incentives for Cities with Good Development Practices**
This measure needs to be implemented on a larger scale to make it effective and would be best implemented on a regional or statewide scale. This measure is not fiscally feasible for the City of Modesto to implement.

**Measure ST 7.15: Cash Incentives to Foster Jobs/Housing Balance**
This measure needs to be implemented on a larger scale to make it effective and would be best implemented on a regional or statewide scale. This measure is not fiscally feasible for the City of Modesto to implement.

**Measure ST 7.17: Transit Oriented Development**
While with the upcoming General Plan Update and future Specific Plans the Council will consider expansion of existing “neo-traditional” policies, or additional “smart growth” development policies and standards to encourage alternate land-use patterns, there are limited opportunities within the Modesto Urban Area to plan and construct a true Transit-Oriented Development (TOD). The Amtrak station and the downtown rail station/transit center are the major opportunities for planning a TOD in Modesto. Typically, TODs are developed along rail or major transportation corridors in larger Metro areas with an excess of a million in population to support the associated rail/light rail/express bus systems (e.g. Laguna West in Sacto). Nonetheless, the opportunity could be explored for a mixed-use TOD at the Village One Amtrak site with future proposals in that area.
Measure ST 7.19: Establishment of Urban GrowthBoundaries
Effective establishment of urban growth boundaries can only be accomplished in a regional setting. In the upcoming General Plan Update the Council will consider additional “smart growth” development policies and alternate growth patterns. There will also be opportunity to explore alternate growth boundaries for the General Plan. The General Plan Update will be an opportunity for Modesto to do its part in a regional effort by reexamining the Community Growth Policy process set forth in the General Plan including the potential for redefining or establishing Modesto’s permanent urban growth boundaries.

Measure ST 8.2: Internet Ride Matching Services
This measure would be better served by implementation at the regional level. As such, the City of Modesto does not find it to be fiscally feasible to implement this measure. However, it should be noted that the City of Modesto supports the StanCOG regional rideshare program.

Measure ST 15.1: Encouragement of Pedestrian Travel
This measure would be better served by implementation at the regional level through Commute Connection.
A RESOLUTION APPROVING THE FINAL MAP AND ACCEPTING PUBLIC IMPROVEMENTS IN THE PELANDALE PROFESSIONAL PARK SUBDIVISION OF THE CITY OF MODESTO AND AUTHORIZING THE CITY MANAGER TO EXECUTE A SUBDIVISION AGREEMENT WITH PELANDALE PROFESSIONAL PARK, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY

WHEREAS, PELANDALE PROFESSIONAL PARK, LLC, a California Limited Liability Company, is possessed of a tract of land situated in the City of Modesto, County of Stanislaus, consisting of 1.64 acres, known as the PELANDALE PROFESSIONAL PARK SUBDIVISION ("SUBDIVISION"), and

WHEREAS, a tentative map of said tract was approved by the Planning Commission of the City of Modesto on the 19th day of May, 2003, and

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

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

WHEREAS, the Engineering and Transportation Director has certified that all public improvements required by the City of Modesto have been completed in said tract to the satisfaction of the Engineering and Transportation Director, and
WHEREAS, the Engineering and Transportation Director has indicated that it would be in order for the City Council to accept the public improvements in said subdivision as complete and authorize the City Clerk to file a Notice of Completion and release the bonds upon the expiration of the statutory periods,

WHEREAS, the subdivider has posted a warranty security in an amount equal to the estimated cost of the public improvements, as determined by the City Engineer, to guarantee and warranty the public improvements for a period of one year after acceptance.

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

1. The final map is hereby approved.
2. The dedications for streets, alleys and easements as shown thereon within the boundaries of said tract are hereby accepted on behalf of the public for public use.
3. The improvements completed in Pelandale Professional Park Subdivision are hereby accepted and the City Clerk is hereby authorized to file a Notice of Completion for the improvements.
4. The City Clerk is hereby authorized to certify the map of said tract on behalf of the City of Modesto, after the fees and deposits required by the Modesto Municipal Code in amounts determined by the City Engineer have been paid.
5. The City Manager and the City Clerk are hereby authorized to execute and attest, respectively, an agreement with subdivider as required by Section 4-4.604(c) of the Municipal Code.
6. The City Clerk is further authorized to release the warranty security to guarantee improvements in the amount of $1,924.34 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 24th day of February, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember O’Bryant, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk

(SEAL)

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

By: Alison A. Barratt-Green
Senior Deputy City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2004-103

A RESOLUTION APPROVING THE FINAL MAP OF THE MIRA LOMA SUBDIVISION AND AUTHORIZING THE CITY MANAGER TO EXECUTE A SUBDIVISION AGREEMENT WITH RIDGE SUTTER, A MARRIED MAN AS HIS SOLE AND SEPARATE PROPERTY

WHEREAS, RIDGE SUTTER, a married man as his sole and separate property, is possessed of a tract of land situated in the City of Modesto, County of Stanislaus, consisting of 5.66 acres, known as the MIRA LOMA ("SUBDIVISION"), and

WHEREAS, a tentative map of said tract was approved by the Planning Commission of the City of Modesto on the 7th day of April, 2003, and

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

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

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

BE IT FURTHER RESOLVED that the City Manager and the City Clerk be authorized to execute and attest, respectively, an agreement with subdivider as required by Section 4-4.604(c) of the Modesto Municipal Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of February, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember O’Bryant, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

MICHAEL D. MILICH, City Attorney

By ALISON A. BARRATT-GREEN
Senior Deputy City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2004-104


WHEREAS, in 1970, Earth Day was established to make the public aware of programs successful in protecting the environment and conserving natural resources, and

WHEREAS, by Resolution No. 92-129, adopted March 24, 1992, the City Council acknowledged “Earth Day in the Park” as an annual event, and

WHEREAS, the Citizen’s Advisory Committee on Recycling (CACOR) sponsors the event, and the 15th Annual “Earth Day in the Park” will be held on Saturday, April 17, 2004, at Graceada Park, and

WHEREAS, “Earth Day in the Park Festival, 2003” drew approximately 90 vendors, and

WHEREAS, because the CACOR is an advisory committee to the City Council, the group’s ability to obtain event liability coverage is restricted, and City co-sponsorship of the event will allow provision of automatic coverage under the umbrella of the City’s existing insurance policy, and

WHEREAS, the City’s Risk Manager has assessed the scope of the event and determined it to be of minimal exposure to the City, and

WHEREAS, as in prior years’ events, the Committee seeks Council approval for the sale of merchandise in the Park during the event, and

WHEREAS, this event provides a forum for merchants to display and sell their “environmentally friendly” merchandise, and for the creation of a “festival atmosphere”,
while giving the public an opportunity to make purchases of positive benefit to the environment,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City hereby affirms its co-sponsorship of “Earth Day in the Park Festival, 2004”, at Graceada Park.

BE IT FURTHER RESOLVED by the Council that it hereby approves the sale of merchandise at Graceada Park during the “Earth Day in the Park Festival, 2004” event.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of February, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember O’Bryant, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, 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
MODESTO CITY COUNCIL
RESOLUTION NO. 2004-105

A RESOLUTION INCREASING THE DIRECTOR OF ENGINEERING AND TRANSPORTATION'S AUTHORITY LEVEL TO ISSUE CHANGE ORDERS ON THE "KANSAS-NEEDHAM OVERHEAD" PROJECT FROM 8% TO 10% OF THE ORIGINAL CONTRACT PRICE WITH AGEE CONSTRUCTION CORPORATION

WHEREAS, on May 7, 2002, the City Council awarded an $8,992,823.30 contract to Agee Construction Corporation to construct an overhead crossing of 9th Street, 8th Street and the Union Pacific Railroad tracks from the College/Needham/10th Street intersection to the Franklin/Beech Street intersection, future connect to Highway 132, and

WHEREAS, the contractor started work on July 22, 2002, and

WHEREAS, during the course of construction, the contractor was required to perform additional work to construct the project that was not included in the original contract, and

WHEREAS, the Director currently has the authority to approve change orders up to a cumulative amount of 8% of the original contract price, or $719,425.86 in this case, in accordance with the “Change Order Approval Policy” enacted by City Council Resolution No. 94-443 on July 19, 1994, and

WHEREAS, the total estimated cost of the extra work is $896,500.00, an amount that exceeds the Director’s change order approval authority,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby increases the Director of Engineering and Transportation’s authority level to issue change orders on the "Kansas-Needham Overhead” project from 8% to 10% of the original contract price with Agee Construction Corporation.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of February, 2004, by Councilmember Dunbar, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, 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
A RESOLUTION AUTHORIZING PREPARATION OF A PROJECT CLOSEOUT FINANCIAL LETTER FOR THE FINAL PROJECT COST PRIOR TO COUNCIL FINAL ACCEPTANCE, AND AUTHORIZING ITS SUBMITTAL TO THE STATE DEPARTMENT OF TRANSPORTATION (CALTRANS) TO ACQUIRE COST OVERRUN REIMBURSEMENT FOR THE “KANSAS-NEEDHAM OVERHEAD” PROJECT

WHEREAS, in 1996 the City received a $10 million dollar Grade Separation Grant from the State of California to construct an overhead crossing of 9th Street, 8th Street, and the Union Pacific Railroad tracks from the College/Needham/10th Street intersection to the Franklin/Beech Street intersection, future connect to Highway 132, and

WHEREAS, on May 7, 2002, the City Council awarded an $8,992,823.30 contract to Agee Construction Corporation to construct the project, and

WHEREAS, the contractor started work on July 22, 2002, and

WHEREAS, the final project costs are anticipated to be approximately $17.2 million dollars, including right-of-way, design services, construction and contract management services, and

WHEREAS, according to State Statutes for Grade Separation funding, as long as the Grade Separation Program is approved in the State Budget on a yearly basis and our project ranking does not change with the added costs, the State is required to pay for all legitimate cost overruns at the rate of 80 percent of actual costs, and

WHEREAS, applications for reimbursement of cost overruns are accepted on a one-time basis, and

WHEREAS, on May 1, 2004, Caltrans will be assigning Program funds to new Grade Separation projects, and
WHEREAS, Caltrans has advised City Staff to issue a Project Closeout Finance letter before April 1, 2004, to ensure overrun reimbursement this year, and

WHEREAS, if the fund is depleted before submission of a project closeout letter, the City will have to wait until the State Legislature funds the program,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes preparation of a Project Closeout Financial letter for the final project cost prior to Council final acceptance, and authorizes its submittal to the State Department of Transportation (Caltrans) to acquire cost overrun reimbursement for the “Kansas-Needham Overhead” project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of February, 2004, by Councilmember Dunbar, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, 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
MODESTO CITY COUNCIL
RESOLUTION NO. 2004-107

A RESOLUTION AUTHORIZING STAFF TO CONTINUE NEGOTIATIONS FOR A PHASE III CONSTRUCTION AND MAINTENANCE (C & M) AGREEMENT WITH THE UNION PACIFIC RAILROAD (UPRR) FOR THE CONSTRUCTION OF THE TUOLUMNE BOULEVARD EXTENSION

WHEREAS, the Kansas-Needham Overhead Grade Separation project is nearing completion, and

WHEREAS, the final Grade Separation project, the Tuolumne Boulevard Extension (TBE), remains to be constructed, and

WHEREAS, a Federal Highway Administration (FHWA) Grant will be sought to fund eighty (80) percent of engineering and construction of the TBE, and

WHEREAS, the Union Pacific Railroad will fund five (5) percent (fixed sum) of the total cost of engineering and construction, and

WHEREAS, the City of Modesto will fund fifteen (15) percent of the total cost of the engineering and construction, and

WHEREAS, the Engineering and Transportation Department will review and update the total cost of the project, presently estimated at $7,624,000.00, before execution of the agreement, and

WHEREAS, the Economic Development Committee approved this item at its February 9, 2004, meeting,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes staff to continue negotiations for a Phase III Construction and Maintenance (C&M) agreement with Union Pacific Railroad (UPRR) for the construction of the TBE.
The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 24th day of February, 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. 2004-108

A RESOLUTION AMENDING THE FY 2003-2004 CAPITAL IMPROVEMENT BUDGET (1) TO REDUCE THE ‘TRAFFIC SIGNALS MODIFICATIONS’ CIP (MY-1410-160-M195) APPROPRIATION BY $80,640 AND TO RETURN THOSE FUNDS TO THE FUND BALANCE; AND (2) TO APPROPRIATE $240,840 TO A NEW CIP PROJECT (MY-1410-430-A014) FOR STREET WIDENING IMPROVEMENTS ALONG HATCH ROAD AT ITS INTERSECTION WITH DALLAS STREET TO BE FUNDED BY THE 1410 FUND BALANCE

WHEREAS, on September 2000, the City Council approved a development plan for Planned Development Zone, P-D (542) which allowed for the creation of a neighborhood commercial development, including a convenience market/gas station on the southeast and southwest corners of Hatch Road and Dallas Street, and

WHEREAS, the developer has since constructed the convenience market/gas station at the southwest corner, and

WHEREAS, the right-of-way and public utility easements dedications required for the commercial development has been completed and accepted by the City of Modesto through the Planned Development P-D 542 conditions of approval, and

WHEREAS, street improvements along Hatch Road are part of the Capital Facility Fees (CFF) program and the developer has requested that improvements fronting his development be constructed to enhance business and alleviate potential traffic issues, and

WHEREAS, the Engineering and Transportation Department was tasked to assist the developer and has completed preparing plans, specifications, and estimate as an engineering project for the Hatch Road improvements including street widening improvements and traffic signals modifications, and
WHEREAS, the Finance Department has indicated that there will be sufficient funds in the Fund 1410 fund balance for the appropriation of this project within the FY 2003-2004 Capital Improvement Program Budget.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby amends the FY2003-2004 Capital Improvement Budget (1) to reduce the ‘Traffic Signals Modifications’ CIP (MY-1410-160-M195) appropriation by $80,640 and to return those funds to fund balance; and (2) to appropriate $240,840 to a new CIP project (MY-1410-430-A014) for street widening improvements along Hatch Road at its intersection with Dallas Street to be funded by the 1410 fund balance.

BE IT FURTHER RESOLVED that the Finance Director, or her designee, is hereby authorized to take the steps necessary to amend the Capital Improvement Program Budget.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of February, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember O’Bryant, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, 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. 2004-109

A RESOLUTION ALLOCATING THE REMAINING $1.9 MILLION DOLLARS OF THE FEDERAL DEMONSTRATION BUDGET FOR REMOVAL OF RAILROAD TRACKS AND PERFORMING STREET IMPROVEMENTS IN THE VIRGINIA CORRIDOR, NORTH OF NEEDHAM AVENUE AND SOUTH OF THE PELANDALE EXPRESSWAY

WHEREAS, the Union Pacific Railroad work billable to the Federal Demonstration project is complete, and

WHEREAS, the Kansas-Needham Overhead is no longer Federally Funded, and

WHEREAS, a Federal Highway Administration (FHWA) Grant will be sought to fund the engineering, and construction of the Tuolumne Boulevard Extension, and

WHEREAS, Caltrans has approved the use of Federal Demonstration Funding for the removal of railroad tracks and street improvements, and

WHEREAS, Caltrans has reviewed the Federal Demonstration Project environmental studies and has stated that the work falls under the jurisdiction of the present report, and

WHEREAS, the Economic Development Committee reviewed this item at its February 9, 2004, meeting,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves allocating the remaining Federal Demonstration Funding for the removal of railroad tracks and performing street improvements in the Virginia Corridor, north of Needham Avenue and south of the Pelandale Expressway.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of February, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember O'Bryant, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: ____________________________

JEAN ZAHN, City Clerk

APPROVED AS TO FORM:

By _____________________________

MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-110

A RESOLUTION AMENDING THE FISCAL YEAR 2004 CAPITAL IMPROVEMENT PROGRAM TO CLOSE MY-0700-430-K265 AND, AFTER ALL APPROPRIATE ACCOUNTING ACTIONS ARE COMPLETE AND ALL ENCUMBRANCES CLEARED, TO AMEND THE EXISTING CIP PROJECT MY-2300-0700-430-A265 TO INCLUDE ALL OF THE REMAINING FEDERAL DEMONSTRATION BUDGET AND CORRESPONDING CITY OF MODESTO AND UNION PACIFIC RAILROAD MATCH FOR REMOVAL OF RAILROAD TRACKS AND PERFORMING STREET IMPROVEMENTS IN THE VIRGINIA CORRIDOR, NORTH OF NEEDHAM AVENUE AND SOUTH OF THE PELANDALE EXPRESSWAY.

WHEREAS, the City Council has approved allocating the remaining 9th Street Railroad Removal Federal Demonstration budget for the removal of railroad tracks and performing street improvements in the Virginia Corridor, north of Needham Avenue and south of the Pelandale Expressway, and

WHEREAS, these funds were previously budgeted in the CIP project MY-0700-430-K265, Removal of 9th Street Railroad Tracks Phase II, and

WHEREAS, the Fiscal Year 2003-2004 CIP project MY-2300-0700-430-A265 has been established to remove railroad tracks and to perform street improvements in the Virginia Corridor, north of Needham Avenue and south of the Pelandale Expressway, and

WHEREAS, the Economic Development Committee reviewed this item at its February 9, 2004, meeting,

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby amends the Fiscal Year 2004 Capital Improvement Program to close MY-0700-430-K265, and after all appropriate accounting actions are complete and all encumbrances are cleared, to amend the existing CIP project MY-2300-0700-430-A265
to include all of the remaining federal demonstration budget and corresponding City of Modesto and Union Pacific Railroad match for removal of railroad tracks and performing street improvements in the Virginia Corridor, north of Needham Avenue and south of the Pelandale Expressway.

BE IT FURTHER RESOLVED that the Finance Director, or her designee, is hereby authorized to take the steps necessary to amend the Capital Improvement Program Budget.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of February, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember O'Bryant, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney

2/24/04/E&T/Mel Funtila/Item 13 -2- 2004-110
MODESTO CITY COUNCIL
RESOLUTION NO. 2004-111

A RESOLUTION AWARDING THE BID AND APPROVING A $232,900 CONTRACT WITH TCB INDUSTRIAL, INC., FOR THE PROJECT TITLED “CENTRE PLAZA ELEVATOR EXTENSION,” AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT

WHEREAS, the bids received for the Centre Plaza Elevator Extension project were opened at 11:00 a.m. on February 3, 2004, and

WHEREAS, the Engineering and Transportation Director has recommended that the bid of $232,900 received from TCB Industrial, Inc., be accepted as the lowest responsible bid and the contract be awarded to TCB Industrial, Inc.,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the bid of $232,900, and hereby awards TCB Industrial, Inc., the contract titled “Centre Plaza Elevator Extension.”

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the contract.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of February, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember O’Bryant, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, 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 –112

A RESOLUTION APPROVING AMENDMENT NO. 2 TO AN ENGINEERING SERVICES AGREEMENT WITH MEAD & HUNT, INC. FOR ADDITIONAL ENGINEERING SERVICES FOR THE ELECTRICAL VAULT/EMERGENCY GENERATOR PROJECT AT THE MODESTO CITY-COUNTY AIRPORT AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT ON BEHALF OF THE CITY

WHEREAS, the City of Modesto and Mead & Hunt, Inc. entered into an Engineering Services Agreement on December 6, 2001, which provides for the design of the Electrical Vault/Emergency Generator project at the Modesto City-County Airport, and

WHEREAS, said Agreement contemplated the potential need for Additional Engineering Services during the course of the work, and

WHEREAS, the Agreement further provides for amendments to the original Agreement when agreed to in writing by both parties, and

WHEREAS, the first amendment to agreement was entered into between the City and Mead & Hunt on November 25, 2003 for construction services on the project, and

WHEREAS, there is a need for Mead & Hunt to provide additional engineering services on the project to incorporate review comments made by the City staff and others into the plans and specifications and to resubmit these documents to FAA for approval, and
WHEREAS, said additional engineering services are compensable under the terms of the original agreement, and

WHEREAS, Amendment No. 2 to the original Agreement has been prepared to provide compensation for additional engineering services performed by Mead & Hunt, Inc. on the design of the project, and

WHEREAS, said Amendment No. 2 has received the Federal Aviation Administration’s approval as to form and reimbursable expense, and

WHEREAS, the City Attorney’s Office finds the terms of the amendment acceptable.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves Amendment No. 2 to the Engineering Services Agreement with Mead & Hunt, Inc. in the amount of $12,400 for additional engineering services.

BE IT FURTHER RESOLVED that the City Manager or his authorized designee is authorized to execute Amendment No. 2 on behalf of the City.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of February, 2004, by Councilmember Dunbar, 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, Jackman, Keating, Marsh, O’Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Hawn

ATTEST: ______________

JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

by ______________

MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2004-113

A RESOLUTION APPROVING LIGHTED CROSSWALKS AT THE FOLLOWING LOCATIONS: SUNRISE AVENUE AND COOLIDGE AVENUE, ORANGEBURG AVENUE AND MARTIN AVENUE, FLOYD AVENUE AND VICKI DRIVE, AND RUMBLE ROAD AND WALES WAY

WHEREAS, City staff keeps a running list of requests from the public for lighted crosswalks, and

WHEREAS, to date this list includes all of the most current requests and data gathered as shown in Attachment 1 hereto, and

WHEREAS, staff recommends installing lighted crosswalks at locations 1, 2, 4, and 6 set forth below. The 3rd and 5th highest locations are short distances to already proposed locations:

1. Sunrise Avenue and East Coolidge Avenue
2. Orangeburg Avenue and Martin Avenue
3. Orangeburg Avenue/Enslen Avenue
4. Floyd Avenue and Vicki Drive
5. Floyd Avenue/Newport Drive
6. Rumble Road and Wales Way, and

WHEREAS, when citizens request a location, information regarding that particular crossing is gathered and assigned a point value, and

WHEREAS, this ranking method, based on point value, was approved by Council on March 19, 2002, and

WHEREAS, funding from the OTS grant covers 50% of these installations and the remaining 50% is budgeted in Account Number 2300-160-A221, “Office of Traffic Safety Lighted Crosswalks Various,” and
WHEREAS, the Economic Development Committee discussed this item at its February 9, 2004, meeting, and concurred with staff's recommendation.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the installation of Lighted Crosswalks at the following locations: Sunrise Avenue and Coolidge Avenue, Orangeburg Avenue and Martin Avenue, Floyd Avenue and Vicki Drive, and Rumble Road and Wales Way.

BE IT FURTHER RESOLVED that the Council hereby authorizes staff to proceed with plans for implementation and installation of said Lighted Crosswalks.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of February, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember O'Bryant, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, 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
MODESTO CITY COUNCIL
RESOLUTION NO. 2004-114

A RESOLUTION AMENDING THE ROUNDBOUGHT POLICY ESTABLISHING PUBLIC NOTIFICATION IN RETROFIT SITUATIONS AND RESCINDING RESOLUTION NO. 2002-432

WHEREAS, staff has been implementing roundabout installations in both newly developing areas and in retrofit areas in Modesto, and

WHEREAS, there is currently an accepted City policy regarding guidelines for use and installation of roundabouts, and

WHEREAS, staff developed a Roundabout Policy to create consistent guidelines for installation and use of roundabouts, and

WHEREAS, on September 3, 2002, by Resolution No. 2002-432 the City Council reviewed and adopted the Roundabout Policy, and

WHEREAS, the City Council directed staff to develop an amendment to the Policy setting forth and more fully describing the approval process of retrofitting existing intersections, and

WHEREAS, at the October 28, 2003, City Council meeting, Councilmember O’Bryant raised several concerns with the Roundabout Policy with regards to public notification, and

WHEREAS, the Economic Development Committee at their February 9, 2004 meeting, reviewed and discussed the proposed public notification in retrofit situations, and recommended a 1,000 ft notification area be added to the Roundabout Policy and directed staff to go forward for full Council approval, and

RESCINDED

9-7-04

THIS RESOLUTION WAS RESCINDED BY MODESTO CITY COUNCIL RESOLUTION NO. 2004-114

02/27/04/E&T/F. Vohra/Item 17 1
NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the amended Modesto Roundabout Policy for installation and use of roundabouts in the City of Modesto, a copy of which is attached hereto as Exhibit “A”, and incorporated by reference as though fully set forth herein.

BE IT FURTHER RESOLVED that effective February 24, 2004, Resolution No. 2002-432 adopted on September 3, 2003, is hereby rescinded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of February, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember O’Bryant, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, 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 ROUNDABOUT POLICY

This policy is revised as per Economic Development Committee direction at the February 9, 2004 meeting to include public notification guidelines in retrofit situations in Section IX.

This policy was approved and revised as per City Council Resolution 2002-432 at the City Council meeting of September 3, 2002.
Roundabout Policy

I. Introduction

II. Modern Roundabouts – What Are They?

III. The Benefits of Roundabouts

IV. The Use of Roundabouts – Where They Are Applicable and Where They Are Not.

V. Roundabout Justification

VI. Implementation Strategy

VII. Design Criteria

VIII. Roundabout Installation in Newly Developing Areas

IX. Roundabout Installation at Retrofit Locations

X. Operation & Maintenance

XI. Appeal of Staff Decision
I. Introduction

Each year the City receives numerous requests to reduce the traffic congestion on streets throughout the City. Citizens also express concerns about the safety of the streets on which they live. In an effort to find appropriate ways to deal with these concerns, reduce traffic congestion and improve safety, the City has recently considered the use of roundabouts.

The purpose of this Roundabout Policy is to establish guidance on where roundabouts are to be used in the City, to describe the performance and operation of roundabouts, and to give general guidance on design standards for roundabouts, so that high standard and uniform design can be implemented. It is recognized that the use and design of roundabouts in the United States is an emerging technology and that as the technology improves, changes in design and application will be modified so that the best available practices can be implemented.

II. Modern Roundabouts – What Are They?

In essence, a roundabout is a traffic circle that has been refined in its design principles and characteristics. These improved principles and design standards have made roundabouts a safe and efficient form of intersection control.

Traffic circles have many forms, but their common feature is that they are designed around a central island that prevents vehicles from passing through them on a linear path. Until recently, roundabouts have been slow to gain support in this country. The lack of acceptance can generally be attributed to the negative experience with traffic circles built in the earlier half of the twentieth century. Severe safety and operational problems caused these traffic circles to fall out of favor by the 1950's. However, substantial progress has been achieved in the subsequent design of circular intersections, and a modern roundabout should not be confused with the traffic circles of the past.

The modern roundabout is defined by four basic principles that distinguish it from a nonconforming traffic circle.

1. Roundabouts follow the “yield-at-entry” rule, in which approaching vehicles must wait for a gap in the circulating flow before entering the circle, whereas traffic circles require circulating vehicles to grant the right of way to entering vehicles.
2. Roundabouts involve low speeds for entering and circulating traffic, as governed by small diameters and deflected entrances. In contrast, traffic circles emphasize high-speed merging and weaving, made possible by larger diameters and tangential entrances.
3. Compared to most traffic circles, roundabouts are small. Usually, a roundabout can be retrofitted within the space used by an existing traffic signal or stop-controlled intersection, with little or no additional right-of-way required.
4. At the entrance of each roundabout, triangular ‘splitter islands’ prevent drivers from going around the circle the wrong way, and simultaneously provide a safe refuge for crossing pedestrians. These islands are not used in traffic circles.

In giving priority to entering vehicles, a traffic circle tends to lock up at higher volumes. The operation of a traffic circle is further compromised by the high-speed environment in which large gaps are required for proper merging. These deficiencies have been corrected with the modern roundabout.

Figure 1-1 following shows the layout and design of a basic modern roundabout.
III. The Benefits of Roundabouts

In the interest of safety, the conflict between two competing traffic movements must be resolved by a traffic control device that gives one movement priority over the other. When both movements are heavy, the priority must be alternated or distributed in some manner or else one of the movements will fail. For high volume roadways, traffic signals provide the most common traffic control discipline in the U.S. because of the positive way in which the priority is alternated. Low volume roads are normally controlled by stop signs. A growing number of studies show that in many situations, modern roundabouts are both safer and more efficient than either traffic signals or stop signs.

For the past two decades, thousands of modern roundabouts have been replacing traffic signals and stop signs all across Europe. This trend is well documented by several papers presented at the conference "Giratoires '92" (Roundabouts '92). France, for instance, has been building about 1,000 roundabouts per year. In the Netherlands, more than 400 were built between 1986 and 1992. In Norway, the number swelled from just 15 in 1980 to 500 in 1992; in Switzerland, from 19 to 220 during the same period. And, with the construction of some 50 to 100 modern roundabouts in the last five to eight years, roundabouts have finally gained a foothold in the U.S.

Modern roundabouts are now found in a number of U.S. states, including California, Nevada, Florida, South Carolina, Massachusetts, Vermont, Tennessee, Texas, Washington, Kansas, Wisconsin and Maryland. They are being used in a wide range of applications: to control speeds on residential streets; to improve capacity at congested freeway interchanges; to beautify gateway entrances to towns and shopping centers; and, most importantly, to reduce the number and severity of crashes at both major and minor intersections. In many communities, the roundabouts have been so successful that residents have quickly demanded more to fix other problem intersections.

Sources such as Public Roads Magazine, Tech Transfer from the University of California Institute of Transportation Studies, and Transportation Departments from the states of Maryland and Florida indicate that the following benefits are gained through the use of roundabouts:

1. Safety – Roundabouts have been shown to reduce fatal and injury accidents as much as 75% in Australia and 86% in Great Britain. The reduction in accidents is attributed to slower speeds and reduced number of conflict points.
2. Low Maintenance – Eliminates maintenance costs associated with traffic signals. In addition, electricity costs are reduced.
3. Reduced Delay – By yielding at the entry rather than stopping and waiting for a green light, delay is significantly reduced. A reduction in delay corresponds to a decrease in fuel consumption and air pollution.
4. Capacity – Intersections with a high volume of left turns are better handled by a roundabout than a multi-phased traffic signal.
5. Aesthetics – The central island affords an opportunity to provide landscaping, or some other forms of beautification.

The reduction in crashes occurs for several reasons:

- The number of possible conflict points between vehicles decreases from 32 at a four-way intersection, to 8 at a roundabout. (See the figures below.) By reducing the number of conflict points, roundabouts also reduce the number of collisions.
- Vehicle speeds at roundabouts are much lower, generally less than 20mph. Lower speeds mean shorter braking distances and longer decision-making time. Therefore, even if someone makes a mistake a collision is easier to avoid.
• Decision-making is simplified. A driver about to enter has one decision: “Is there a vehicle circulating in the roundabout blocking my path?” If not, the driver enters. Otherwise, the driver waits for a gap.
• If a collision does occur at a roundabout, the force of impact is much lower due to the lower speed and the low angle of impact. No one can “run the red” and cause a right angle collision. Nor can a left-turning driver make a mistake in selecting a gap in the approaching through traffic, with the resulting head-on or right angle crash.

IV. The Use of Roundabouts – Where They Are Applicable and Where They Are Not.

Roundabouts perform better at intersections with roughly similar traffic flows and a high proportion of left turning traffic. This does not mean that all movements must be of the same magnitude. Rather, that the predominant movements are “broken up” by circulating traffic, so that gaps are provided to allow vehicles waiting on adjacent legs to enter the roundabout without major delays.

Engineering judgement and traffic analysis must be factored into the decision making process when roundabouts are being considered. Roundabouts are not the solution to all traffic problems at all locations. Careful study is required to identify the most appropriate control mode at any given location. The studies required to justify the installation of traffic signal control and all-way stop control are based on the warrants and requirements set forth in the Caltrans Traffic Manual. No such warrants or requirements exist for roundabouts.

Three general questions must be answered to justify a roundabout as the most appropriate form of control at any intersection.

• Will a roundabout be expected to perform better than other alternative control modes? In other words, will it reduce delay, improve safety or solve some other operational problem?
• Are there factors present to suggest that a roundabout would be a more appropriate control, even if delays with a roundabout are slightly higher?
• If any factors exist that makes installation of a roundabout inadvisable, can they be resolved satisfactorily?

If these questions may be answered favorably, then a roundabout should be considered as a logical candidate control mode.

Generally speaking, roundabouts are particularly suited in the following situations:

• Heavy delay on minor road.
• Traffic signals result in greater delay.
• Intersection with heavy left turning traffic.
• Intersection with more than four legs or unusual geometry.
• At rural intersections (including those in high-speed areas) at which there is an accident involving crossing traffic.
• Where major roads intersect at “Y” or “T” junctions.
• At locations where traffic growth is expected to be high and where future traffic patterns are uncertain or changeable.
• At intersections where U-turns are desirable.
• At Freeway Interchange Ramps.
• High accident intersection where right angle accidents are prominent.
Generally speaking, roundabouts are unsuitable in the following situations:

- Where a satisfactory geometric design cannot be provided.
- Where a signal interconnect system would provide a better level of service.
- Where it is desirable to be able to modify traffic via signal timings.
- Where peak period reversible lanes may be employed.
- Where the roundabout is close to existing signals and queuing from the signal could be a problem.
- Where there are insufficient gaps in the major flow, so that the minor flow has difficulty entering the roundabout. (Sometimes, however, this problem can be fixed by signalizing one approach to a roundabout to create gaps for another leg. Usually, this signal need only be turned on during the peak hour.)
- Where traffic volumes are very high, say 6,000 vph. (Here a very large signalized intersection is necessary to separate vehicles in time. Alternatively, an overpass is probably more suitable and safer.)

V. Roundabout Justification

Roundabouts have been used successfully in many cities throughout the world, including several in the U.S. They offer a proven form of traffic control that has, up to this point, not been applied extensively in Modesto. There may be several locations in the City that could benefit from the installation of a roundabout as an alternative to the more conventional intersection control methods.

This section sets forth the procedure required to justify a roundabout as the most appropriate form of control for a given situation. The procedure is intended to provide documented support for the decision to install a roundabout.

A. Intersection Control Alternatives

There are three alternatives to roundabouts for intersection control. Each has significant operational limitations in comparison with a roundabout. Each alternative will be discussed separately:

Traffic Signals – Roundabouts can efficiently handle particular intersections with decreased delay and greater efficiency than traffic signals. This is especially true where traffic volumes entering the roundabout are roughly similar and where there are a high number of left turning vehicles.

Two-Way Stop Control (TWSC) can accommodate low traffic volumes with much less delay than traffic signals, but this control mode favors the major street (unstopped) movements at the expense of the minor street (stopped) movement. When the major street traffic volumes are heavy (typically 1400 vph or more) there is little or no opportunity for cross street access. This places a definite limit on the application of TWSC. Even when TWSC capacity is not exceeded, there is often public pressure to install signals at TWSC intersections.

All-Way Stop Control (AWSC) treats the cross street movements more favorably, without the wasted time associated with traffic signals. However, the rate at which vehicles may enter an intersection (i.e. headway) under AWSC is relatively low and, therefore, the total intersection capacity is somewhat limited.

The roundabout on the other hand, overcomes all of these disadvantages. There is no sequential assignment of right-of-way and therefore no wasted time. Left turns are not subordinated to through
traffic. Vehicles enter under yield control instead of stop control and therefore have lower headways and higher capacities. There are no electrical components to malfunction.

B. Roundabout Justification Categories

To provide an organized approach to the justification process, a series of categories has been developed, each of which represents a good reason to install a roundabout. These categories are summarized in the following Table in terms of their anticipated relationships to warrants contained in the Caltrans Traffic Manual. A brief description of the justification categories is provided.

1. Community Enhancement

Projects qualifying for roundabout treatment in this category should demonstrate that a roundabout is an essential part of the community’s development plan for a given area, and not just an arbitrary idea. Roundabouts in this category would typically have one or more of the following characteristics:

- They are often located in commercial and civic districts. Traffic volumes would typically be low, otherwise, one of the more operationally oriented justification categories would normally be more appropriate;
- Aesthetics are an important factor in this category. Particular attention will be required with respect to choice of materials, landscaping requirements, etc.; and
- They will not generally be proposed as a solution to traffic problems. Therefore, any factors that would imply either operational or safety problems should be taken very seriously.

2. Traffic Calming

Projects qualifying for roundabout treatment in this category should demonstrate that there is a need for traffic calming along the intersecting roadways. Although these roundabouts are primarily located in residential areas, there are situations where a roundabout on a higher classification road would be justified under this category. Examples of conditions that might suggest a need for traffic calming include:

- Documented observations of speeding, high traffic volumes and/or careless driving activities; or
- New construction (road opening, traffic signal, new road, etc.) which would potentially increase the volumes of “cut-through” traffic.

3. Safety Improvement

Projects qualifying for roundabout treatment in this category should demonstrate that there is a safety problem at the intersection. In addition, it should be documented how the roundabout treatment will improve safety at the intersection. A special review of accident reports and the type of accidents occurring is usually necessary. Examples of safety problems include:

- High rates of crashes involving conflicts that would be readily resolved by a roundabout (right angle, head-on, left/through, U-turns, etc.);
- High crash severity that should be reduced by the slower speeds associated with roundabouts;
- Site visibility problems that reduce the effectiveness of stop sign control; and
- Inadequate separation of movements, especially on single lane approaches.
4. All Way Stop Control Alternative

Projects qualifying for roundabout treatment in this category should demonstrate that an all-way stop control (AWSC) is warranted and that delay from the roundabout treatment would compare favorably with the AWSC treatment. Traffic volumes in this category will not normally meet the Caltrans warrants for traffic signals.

5. Low Volume Signal Alternative

Projects qualifying for roundabout treatment in this category should demonstrate that warrants for a traffic signal have been met. It should also be demonstrated that delay from the roundabout treatment would compare favorably with the signal treatment. This category will normally be limited to single lanes on the approaches and on the circulating roadway.

6. Medium Volume Signal Alternative

Projects qualifying for roundabout treatment in this category should demonstrate that warrants for a traffic signal have been met. It should also be demonstrated that delay from the roundabout treatment would compare favorably with the signal treatment. This justification category is appropriate for two lane roundabouts, however, designs involving more than one lane should only be considered when an operational analysis indicates a significant advantage compared to a signalized intersection.

The conversion of an existing signalized intersection to a two-lane roundabout would normally be undertaken as a solution to an observed operational or safety problem caused by the signal.

7. Special Conditions

Projects qualifying for roundabout treatment in this category should demonstrate that site specific conditions make a roundabout the appropriate intersection treatment. These conditions include unusual geometrics, high traffic volumes, right-of-way limitations, 5 or more legs in the intersection, etc.

VI. Implementation Strategy:

As stated earlier, roundabouts may be deployed at a variety of locations throughout the City of Modesto’s transportation system. It is the policy of the City of Modesto to implement roundabouts at the following locations and in the following manner:

A. At Minor Collector/Minor Collector Intersections:

- For newly developing areas, each Minor Collector/Minor Collector intersection shall be evaluated for the installation of a roundabout, and except where there are physical constraints or significant overriding circumstances, roundabouts are proposed for installation.

- For retrofit locations, Section IX of this policy governs.
B. At Intersections that are classified Minor Arterial/Collector; Minor Arterial/Minor Arterial or Principal Arterial/Minor Arterial, the following shall apply:

**Before Installation:**

A roundabout at intersections with a classification higher than Collector/Collector cannot be justified as the most appropriate form of control without a sense of how it will perform at a specific intersection and how that performance will compare to other intersection control alternatives.

In the City of Modesto, the implementation of roundabouts at intersections classified Minor Arterial/Collector and above will be accomplished using the following approach:

1. Identify the target location.
2. Perform computerized capacity analysis of proposed roundabout installation. If favorable, then
3. Recommend, design and install the roundabout.

A capacity analysis of each proposed roundabout installation shall be conducted to demonstrate its ability to handle anticipated traffic volumes for the subject intersection using a 20-year design period. The capacity analysis shall be accomplished using traffic projections from the most up to date traffic model the City possesses and by using the most up to date simulation software available to simulate roundabout operation as determined by the City’s Traffic Engineer. The capacity of the roundabout must be equal to or better than that provided by the appropriately warranted traditional traffic control devices for the same traffic design volumes being analyzed.

**After Installation:**

The analytical models described above can only estimate the performance of a roundabout. Actual performance can only be obtained through field observation. However, given that the roundabouts are designed and simulated based on a 20-year design period, the roundabouts should perform very well when first opened, and for a good number of years thereafter. Nonetheless, initial field observations of the roundabout operation at its inception is prudent. Observations will be made to verify that the roundabout operates as intended and the travelling public negotiates the roundabout in an appropriate manner. All of the following questions should produce negative answers:

- Do drivers stop unnecessarily at the yield point?
- Do drivers stop unnecessarily within the circulating roadway?
- Do any vehicles pass on the wrong side of the central island?
- Do queues from an external bottleneck back up in the roundabout on an exit road?
- Do the actual number of entry lanes differ from those intended by the design?
- Do smaller vehicles encroach on the truck apron?
- Is there evidence of damage to any of the signs in the roundabout?
- Is there any pedestrian activity on the central island?
- Do pedestrians and cyclists fail to use the roundabout as intended?
- Are there tire marks on any of the curb surfaces to indicate vehicle contract?
- Is there any evidence of minor accidents, such as broken glass, pieces of trim, etc., on the approaches or the circulating roadway?
- Is there any gravel or other debris collected in non-traveled areas that could be a hazard to bicycles or motorcycles?
These questions should all be examined in the days immediately after the roundabout opening. Both daytime and nighttime observations of the operating characteristics should be made. Follow-up strategies to ensure satisfactory operation may be implemented as necessary after initial observation. Periodic checks should also be made to ensure that no serious sight distance obstructions have occurred due to growth of foliage or roadside development. The City's Traffic Engineering Staff will continue to monitor traffic volumes, accidents and operations at intersections with roundabouts, just as they do at intersections where other alternative traffic control devices are in place.

VII. Design Criteria

Neither Caltrans nor ASSHTO currently maintains standards for the design of roundabouts. Until design standards are adopted by Caltrans, all proposals for roundabouts on the City of Modesto street system shall be in accordance with details provided in the City’s Standard Specifications, or as conceptually approved by the City’s Traffic Engineer.

The conceptual approval will be based on whether the proposal conforms with the general concepts contained in this policy. The purpose of this document is to provide a basis for evaluating roundabout proposals, and it is not intended to contain the comprehensive information needed to complete a design. Proposed roundabouts being designed by City engineering staff and by those other than City staff should be discussed with the City’s Traffic Engineer throughout the conceptual and design stages of the project.

VIII. Roundabout Installation in Newly Developing Areas

Section V of this policy describes in general terms when a roundabout installation may be appropriate for a given situation. It is recognized that roundabout installation is applicable in a variety of geometric configurations, and as such, the design can vary greatly, depending on the situation. As such, it is incumbent upon the designer to work closely with the City’s Traffic Engineer on the detailed design of a roundabout.

Roundabout installation, whether contemplated by the development community or by City staff, shall be coordinated with the City’s Traffic Engineer. The City’s Traffic Engineer shall give approval to the roundabout concept being proposed for a given intersection. Once approval is given, the design of the roundabout shall be in accordance with design standards set forth in the City’s Standard Specifications or as directed by the City’s Traffic Engineer to accommodate non-standard situations.

In newly developing areas, the developer shall be responsible to install roundabouts at Collector/Collector intersections. Roundabouts installed at higher classified intersections will be the responsibility of the developer as conditions of approval may warrant. In some cases, the City of Modesto may be responsible for installation via proceeds from a Community Facilities District.

IX. Roundabout Installation at Retrofit Locations

There will be occasions when existing intersections in the City are scheduled to have new stop signs or traffic signals added to them, due to the need to assign right of way for increased safety purposes. Similarly, existing controlled intersections may be destined for an upgrade in controls (i.e., from a 2-way stop to a 4-way stop, or from a 4-way stop to a traffic signal). Thirdly, there may be occasions where an existing controlled intersection may warrant replacement with a roundabout (i.e., replace a 4-way stop with a roundabout). Lastly, an existing intersection may be destined for a roundabout for either traffic calming or beautification purposes.
In such cases as these, the installation of roundabouts may be considered as an alternative to the traditional forms of traffic control. These are considered “retrofit” situations and special consideration of roundabout installation is required.

If a roundabout is proposed in a retrofit situation, the design and installation must be such that all modes of vehicles using that particular intersection are accommodated, and the “modern roundabout” concept and operational characteristics are preserved. Generally speaking, roundabouts in retrofit situations would not be applicable to anything less than a minor collector/minor collector intersection (i.e., 60’ of right of way on each leg of the intersection). Even then, additional right of way may be required to gain proper deflection angles and tapers on all approaches. Each retrofit situation shall be analyzed on a case-by-case basis, and the final design of any proposed roundabouts at a retrofit location shall be approved by the Engineering and Transportation Director.

In the event a “retrofit” development adds a roundabout to an intersection in a previously-approved specific plan area that did not include such a roundabout, then that specific plan shall be amended in the usual and customary manner in accordance with state law and the applicable provision of the Modesto Municipal Code.

If it is decided that a roundabout will be deployed in a retrofit situation, and right of way is needed to install a properly designed roundabout, the City shall be responsible to acquire the right of way. If the situation is such that development has not occurred on one or more corners of the target intersection, then the property owner or developer of those non-developed parcels is responsible to dedicate the necessary right of way for proper installation of the roundabout.

In retrofit situations for a roundabout, notification will be 1,000 ft. All properties within 1,000 ft will be notified of the roundabout proposal.

X. Operation and Maintenance

Roundabouts generally will become an asset of the City once public improvements are accepted as complete by the City Council. Exceptions would be those roundabouts that are constructed within a private gated community, or on any other non-public thoroughfare. The City of Modesto will assume responsibility for operation and maintenance of those roundabouts that are within the public right of way. Maintenance of landscaping associated with a City-owned roundabout may be the City’s responsibility, or may be included in a Capital Facilities District, and therefore, the CFD’s responsibility.

XI. Appeal of Staff Decision

Any staff decision made pursuant to this policy may be appealed to the City Council pursuant to Section 1-4.01 through 1-4.05 of the Modesto Municipal Code.
A RESOLUTION AUTHORIZING THE PURCHASING SUPERVISOR TO FORMALLY SOLICIT BIDS FOR THE PURCHASE OF NINE (9) GRANULAR ACTIVATED CARBON UNITS FOR THE OPERATIONS AND MAINTENANCE DEPARTMENT, WATER DIVISION

WHEREAS, granular activated carbon (GAC) are pressure vessels filled with granular activated carbon, and

WHEREAS, granular activated carbon is a filter used to remove and dissolve organics and chlorine from drinking water, and

WHEREAS, as of January 2004, seventeen (17) drinking water wells were out of service and at least one (1) additional well may be removed from service if test results do not improve, and

WHEREAS, the cumulative effect of this is that the City’s overall well production capacity is reduced by nineteen (19%) percent, and

WHEREAS, as part of an overall strategy to recover production capacity before the peak demand season starts, City staff identified four (4) drinking water wells that could be returned to service prior to June 1, 2004, with the installation of granular activated carbon units, and

WHEREAS, returning these wells to service, coupled with the completion of work on three (3) additional wells will regain approximately thirty-six (36%) percent of the lost drinking water well production capacity, and

WHEREAS, implementing this strategy requires quick action as it will take approximately 8-12 weeks for a vendor to produce, ship and install the number of
granular activated carbon units required. This entire process needs to be completed by June 2004, and

WHEREAS, returning these wells to service is critical for meeting peak usage demands present during the summer months, and

WHEREAS, without an improvement in well production capacity, the City will likely need to consider the implementation of Stage 2 water use restrictions, and

WHEREAS, Modesto Municipal Code, MMC Section 8-3.203, generally requires all purchases that meet or exceed $50,000.00 for material, equipment or contractual services to be formally bid, and

WHEREAS, by soliciting formal bids for the purchase of nine (9) granular activated carbon units for the Operations and Maintenance Department, Water Division, the Finance Department, Purchasing Division will comply with MMC Section 8-3.203 regarding formal bid procedures,

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

SECTION 1. The City Clerk is hereby authorized to call for public formal bids for the purchase of nine (9) granular activated carbon units, to be opened in the office of the City Clerk, 1010 Tenth Street, in the City of Modesto. The City Clerk shall be directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 2. After the sealed bids are opened, they shall be tabulated and analyzed and a report submitted to Council.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of February, 2004, by Councilmember Dunbar, 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

ATTEST: Jean Zahr, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich, City Attorney