A RESOLUTION REAPPOINTING JOHN ROGERS TO THE AIRPORT 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 December 13, 2004, and recommended its approval to reappoint JOHN ROGERS to the Airport Advisory Committee.

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

SECTION 1. JOHN ROGERS is hereby reappointed to the Airport Advisory Committee with a term expiration of January 1, 2009.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the reappointed member of the Airport 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 4th day of January, 2005, 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:**

Michael D. Milich, City Attorney
A RESOLUTION REAPPOINTING TAMMY SPILLERS, CAROLINE MITTON, CHARLES CHITURAS AND BRAD PITTS TO THE CITIZENS HOUSING & COMMUNITY DEVELOPMENT 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 December 13, 2004, and recommended its approval to reappoint TAMMY SPILLERS, CAROLINE MITTON, CHARLES CHITURAS and BRAD PITTS to the Citizens Housing & Community Development Committee.

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

SECTION 1. TAMMY SPILLERS, CAROLINE MITTON, CHARLES CHITURAS and BRAD PITTS are hereby reappointed to the Citizens Housing & Community Development Committee with term expirations of January 1, 2009.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the reappointed members of the Citizens Housing & Community Development 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 4th day of January, 2005, 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:

Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2005-003

A RESOLUTION REAPPOINTING JEFFREY MOUNTAIN, DOUG MOORE AND JIM PATTON 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 December 13, 2004, and recommended its approval to reappoint JEFFREY MOUNTAIN, DOUG MOORE and JIM PATTON 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. JEFFREY MOUNTAIN, DOUG MOORE and JIM PATTON are hereby reappointed to the Citizens Advisory Committee on Recycling with term expirations of January 1, 2009.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the reappointed members 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 4th day of January, 2005, 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: 

Michael D. Milich, City Attorney

APPROVED AS TO FORM:

JEAN ZAHR, City Clerk
A RESOLUTION REAPPOINTING DAVID LOPEZ, LARRY DOVICHI, ALAN STRAUS, STEVE OLSON, LLOYD FARIS AND GEORGE SHOEMAKER 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, the Economic Development Committee met on December 13, 2004, and recommended its approval to reappoint DAVID LOPEZ, LARRY DOVICHI, ALAN STRAUS, STEVE OLSON, LLOYD FARIS and GEORGE SHOEMAKER to the Community Qualities Forum.

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

SECTION 1. DAVID LOPEZ, LARRY DOVICHI, ALAN STRAUS, STEVE OLSON, LLOYD FARIS and GEORGE SHOEMAKER are hereby reappointed to the Community Qualities Forum with term expirations of January 1, 2009.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the reappointed 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 4th day of January, 2005, 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:

Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2005-005

A RESOLUTION REAPPOINTING ROBERT MOORE 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 December 13, 2004, and recommended its approval to reappoint ROBERT MOORE to the Disabled Access Appeals Board.

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

SECTION 1. ROBERT MOORE is hereby reappointed to the Disabled Access Appeals Board with a term expiration of January 1, 2009.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the reappointed 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 4th day of January, 2005, 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. 2005-006

A RESOLUTION REAPPOINTING ERIC H. BENSON AND ANDREW S. MENDLIN TO THE DOWNTOWN IMPROVEMENT DISTRICT

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 December 13, 2004, and recommended its approval to reappoint ERIC H. BENSON and ANDREW S. MENDLIN to the Downtown Improvement District.

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

SECTION 1. ERIC H. BENSON and ANDREW S. MENDLIN are hereby reappointed to the Downtown Improvement District with term expirations of January 1, 2009.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the reappointed members of the Downtown Improvement District, and the Secretary thereof.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of January, 2005, 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 ZAHN, City Clerk
A RESOLUTION REAPPOINTING JACKIE DEABLER TO THE EQUAL OPPORTUNITY/DISABILITY 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 December 13, 2004, and recommended its approval to reappoint JACKIE DEABLER to the Equal Opportunity/Disability Commission.

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

SECTION 1. JACKIE DEABLER is hereby reappointed to the Equal Opportunity/Disability Commission with a term expiration of January 1, 2009.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the reappointed member of the Equal Opportunity/Disability 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 4th day of January, 2005, 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 ZAHN, City Clerk

2005-007
MODESTO CITY COUNCIL
RESOLUTION NO. 2005-008

A RESOLUTION REAPPOINTING LINDA OHLSON, CARLOS DELA FUENTE AND LAURA NORWOOD TO THE HOUSING REHABILITATION LOAN 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 December 13, 2004, and recommended its approval to reappoint LINDA OHLSON, CARLOS DELA FUENTE and LAURA NORWOOD to the Housing Rehabilitation Loan Committee.

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

SECTION 1. LINDA OHLSON, CARLOS DELA FUENTE and LAURA NORWOOD are hereby reappointed to the Housing Rehabilitation Loan Committee with term expirations of January 1, 2009.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the reappointed members of the Housing Rehabilitation Loan 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 4th day of January, 2005, 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:

[Signature]
Michael D. Milich, City Attorney

ATTEST: 

[Signature]
JEAN ZAHR, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2005-009

A RESOLUTION REAPPOINTING WILLIAM R. MITCHELL AND JULIUS MANRIQUE TO THE LANDMARK PRESERVATION 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 December 13, 2004, and recommended its approval to reappoint WILLIAM R. MITCHELL and JULIUS MANRIQUE to the Landmark Preservation Commission.

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

SECTION 1. WILLIAM R. MITCHELL and JULIUS MANRIQUE are hereby reappointed to the Landmark Preservation Commission with term expirations of January 1, 2009.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the reappointed members of the Landmark Preservation 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 4th day of January, 2005, 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: 

[Signature]

Michael D. Milich, City Attorney

ATTEST: 

[Signature]

JEAN ZAHN, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2005-010

A RESOLUTION REAPPOINTING KENT NEWSWANDER TO THE PLANNING 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 December 13, 2004, and recommended its approval to reappoint KENT NEWSWANDER to the Planning Commission.

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

SECTION 1. KENT NEWSWANDER is hereby reappointed to the Planning Commission with a term expiration of January 1, 2009.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the reappointed member of the Planning 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 4th day of January, 2005, 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 ZAHN

JEAN ZAHN, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2005-011

A RESOLUTION OF INTENTION TO ANNEX TERRITORY TO COMMUNITY FACILITIES DISTRICT NO. 2004-1 (VILLAGE ONE #2) AND TO AUTHORIZE THE LEVY OF SPECIAL TAXES THEREIN (ANNEXATION No. 6)

WHEREAS, pursuant to Chapter 3.5 Division 2 of Title 5 (commencing with Section 53311) of the California Government Code, commonly known as the “Mello-Roos Community Facilities Act of 1982” (the “Act”), proceedings for the annexation of territory to an existing community facilities district may, pursuant to Chapter 3.5 of the Act, be instituted by the adoption by the legislative body of a resolution of intention to annex such territory, and

WHEREAS, pursuant to the Act, this Council did, by its Resolution No. 2004-199, adopted on April 6, 2004 (the “Resolution of Formation”), establish the City’s Community Facilities District No. 2004-1 (Village One #2) (“the District”), and

WHEREAS, pursuant to the Act, this Council did, by its Resolution No. 2004-681, adopted on December 14, 2004, clarify the Rate and Method of Apportionment with respect to the Maximum Special Taxes to be generated by a parcel that has been rezoned, and

WHEREAS, pursuant to the Act, this Council did, by its Resolution No. 2004-683, adopted on December 14, 2004 (“Resolution of Creation of Tax Zone #2), create Tax Zone #2 within the District, and

WHEREAS, the One-Time Facilities Special Tax is higher in Tax Zone #2, and

WHEREAS, this Council hereby determines that the public convenience and necessity require the annexation of certain territory to the District, and
WHEREAS, the territory to be annexed is within the City limits, and

WHEREAS, the territory to be annexed will be subject to the tax rates in Tax Zone #2,

NOW, THEREFORE, BE IT RESOLVED, ORDERED AND FOUND by the City Council of the City of Modesto, California, that:

SECTION 1. The above recitals are true and correct.

SECTION 2. The boundaries of the District are shown on a map entitled “Proposed Boundaries of Community Facilities District No. 2004-1 (Village One #2) of the City of Modesto, County of Stanislaus, State of California” on file with the County Recorder of the County of Stanislaus, at Book 3 of Maps of Assessment and Community Facilities Districts, at Page 85; the map entitled “Proposed Boundaries of Annexation #1 to City of Modesto CFD No. 2004-1 (Village One #2),” on file with the County Recorder at Book 3 of Maps of Assessment and Community Facilities Districts, at page 86 (as amended by the map entitled “Annexation Map No. 1 of Community Facilities District No. 2004-1 (Village One #2),” on file with the County Recorder at Book 3 of Maps of Assessment and Community Facilities Districts, at page 90); the map entitled “Annexation Map No. 2 of Community Facilities District No. 2004-1 (Village One #2),” on file with the County Recorder at Book 3 of Maps of Assessment and Community Facilities Districts, at Page 91; the map entitled “Annexation Map No. 3 of Community Facilities District No. 2004-1 (Village One #2),” on file with the County Recorder at Book 3 of Maps of Assessment and Community Facilities Districts, at Page 96; the map entitled “Annexation Map No. 4 of Community Facilities District No. 2004-1 (Village One #2),” on file with the County Recorder at Book 3 of Maps of Assessment and
SEC. 3. The territory proposed to be annexed to the District (the "Territory") is described in Exhibit A.

SEC. 4. The boundaries of the Territory are also shown on the map thereof, entitled "Annexation Map No. 5 of Community Facilities District No. 2004-1 (Village One #2) of the City of Modesto, County of Stanislaus, State of California," on file in the office of the City Clerk, hereby approved and adopted. Pursuant to Sections 3110.5 and 3113 of the California Streets and Highways Code, the City Clerk shall endorse her certificate on the original and one copy of the map evidencing the date and adoption of this Resolution, file the original in her office and, not later than ten days after the adoption of this Resolution, file a copy of the map with the County Recorder of the County of Stanislaus. The map shall contain the legends provided in Sections 3110 and 3110.5 of the California Streets and Highways Code, including a reference to the title, book, page and recording date of the original boundary map of the District.

SEC. 5. The public facilities and services to be provided for the District are set forth in the Resolution of Formation. It is intended that these same facilities and services be provided to the Territory.

SEC. 6. The special taxes to be levied in the District are set forth in the Resolution of Creation of Tax Zone #2. It is intended that the special taxes set forth in Tax Zone #2 be levied in the Territory.
SECTION 7. A public hearing on this Resolution will be held at 5:30 p.m., or as soon thereafter as practicable, on Tuesday, January 4, 2005, at the regular meeting place of the City Council, City Council Chambers, Basement Level, 1010 Tenth Street, Modesto, California 95353, such time being not less than 30 or more than 60 days following the adoption hereof.

SECTION 8. At the hearing, any interested persons for or against the annexation of the Territory to the District, and the levy of the special taxes therein, may appear and will be heard and considered. Any protest may be made orally or in writing. However, any protests pertaining to the regularity or sufficiency of the proceedings shall be in writing and clearly set forth the irregularities and defects to which the objection is made. All written protests shall be filed with the City Clerk on or before the time fixed for the public hearing. Written protests may be withdrawn in writing at any time before the conclusion of the hearing.

SECTION 9. The City Clerk is directed to publish, not later than seven days prior thereto, a notice of the hearing, in the form required by the Act, in a newspaper of general circulation published in the area of the District, being The Modesto Bee, and otherwise in accordance with Section 6061 of the California Government Code, stating (a) the text or a summary of this Resolution, (b) the time and place of the hearing, and (c) that all interested persons for or against the annexation of the Territory to the District or the levying of the special taxes in the Territory will be heard.

SECTION 10. (a) If a majority (but at least six) of the registered voters residing within the District or a majority (but at least six) of the registered voters residing within the Territory, or the owners of one-half or more of the area of the land in the District and
not exempt from the special tax, or the owners of one-half or more of the Territory, file written protests against the proposed annexation, and the protests are not withdrawn so as to reduce the value of the protests to less than a majority, no further proceedings to annex the Territory to the District, or to levy in the Territory the special taxes to be levied in the District, shall be taken for a period of one year from the date of the decision of the Council on the issues discussed at the hearing.

SECTION 11. At the conclusion of the hearing, if the Council determines to annex the Territory to the District, it will submit the levy of the special taxes to the qualified electors of the Territory in a special election.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of January, 2005, 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, O’Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Marsh

ATTEST: Jean Zahr

JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich, City Attorney
EXHIBIT A

ANNEXATION NO. 6 TO
COMMUNITY FACILITIES DISTRICT NO. 2004-1 (VILLAGE ONE #2)
A RESOLUTION APPROVING AN AGREEMENT BETWEEN CITY OF MODESTO COMMUNITY FACILITIES DISTRICT NO. 2004-1 AND AMERICAN HOME BUILDERS, INC. FOR IMPROVEMENTS ON FLOYD AVENUE (PORTION OF ROSELLE TO MILLBROOK) AND ROSELLE AVENUE (PORTION OF FLOYD TO SYLVAN) AND FINDING THAT THE POTENTIAL ENVIRONMENTAL EFFECTS OF THIS AGREEMENT HAVE BEEN ADQUATELY ADDRESSED BY THE PREVIOUSLY CERTIFIED VILLAGE ONE SPECIFIC PLAN PROGRAM EIR AS MODIFIED BY THE 1994 FINAL SUPPLEMENTAL EIR (SCH No. 90020181), WITH AN ADDENDUM FOR THE SHADOW CREEK APARTMENTS MULTI-FAMILY FINAL DEVELOPMENT PLAN (EA/C&ED NO. 2004-20)

WHEREAS, the City of Modesto desires to complete the core infrastructure needed to serve the Village One area, and

WHEREAS, American Home Builders, Inc. ("Developer") has agreed to install certain improvements on Floyd Avenue (portion of Roselle to Millbrook) and on Roselle Avenue (portion of Floyd to Sylvan), and

WHEREAS, the City Council has considered the proposed Acquisition & Shortfall Agreement ("agreement") between City of Modesto Community Facilities District No. 2004-1 and Developer, and

WHEREAS, said agreement shall have a maximum reimbursement amount of $164,662.00, and

WHEREAS, the City Council has received and considered the Initial Study, Environmental Assessment No. EA/C&ED No. 2004-20, which concludes that Developer’s project entitled Shadow Creek Apartments Multi-Family Final Development Plan, including the improvements for which the Developer will be reimbursed under the
The proposed agreement, is within the scope of the previously certified Village One Specific Plan Program EIR as modified by the 1994 Final Supplemental EIR (SCH No. 90020181), with an Addendum for the Shadow Creek Apartments Multi-Family Final Development Plan (EA/C&ED No. 2004-20), and that, pursuant to Sections 15168(c) and 15182 of the CEQA Guidelines, no new environmental review is required.

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

1. The proposed Acquisition and Shortfall Agreement between City of Modesto Community Facilities District No. 2004-1 and American Home Builders, Inc. ("Project") is consistent with the Village One Specific Plan and the Modesto Urban Area General Plan.

2. As per Sections 15168(c) and 15182 of the California Environmental Quality Act ("CEQA") Guidelines, this Project is within the scope of the projects covered by the Village One Program EIR, as amended by the 1994 Supplemental EIR and the 2003 Addendum to the EIR ("Program EIR") and no new environmental document or findings are required by CEQA.

3. There are no substantial changes proposed in the Project which result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects and, therefore, no major revisions to the Program EIR, are required.

4. No substantial changes have occurred with respect to the circumstances under which the Project is undertaken which will result in new significant environmental effects or
a substantial increase in the severity of previously identified significant effects and therefore, no major revisions to the Program EIR, are required.

5. There is no new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence when the Program EIR, was adopted which shows any of the following:

   a. one or more significant effects which is not discussed in the Program EIR; or,
   b. significant effects which were previously examined will be substantially more severe than previously shown; or,
   c. previously infeasible mitigation measures or alternatives are now feasible and would substantially reduce one or more significant effects of the project, but the Project proponents decline to adopt the mitigation measure or alternative; or,
   d. mitigation measures or alternatives which are considerably different from those analyzed in the Program EIR would substantially reduce one or more significant effects on the environment, but the Project proponents decline to adopt the mitigation measure or alternative.

6. The Initial Study, Environmental Assessment EA/C&ED No. 2004-20, provides the substantial evidence to support findings 1-5, above.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of January, 2005, by Councilmember Dunbar, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, 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. 2005-013

A RESOLUTION APPROVING AN AMENDMENT TO THE CONTRACT FOR AUDIT SERVICES WITH MAZE & ASSOCIATES AT A COST NOT TO EXCEED $5,263 FOR EXTRA 2004 AUDIT WORK, $21,058 FOR EXTRA 2005 AUDIT WORK, AND AUTHORIZING THE ACTING CITY MANAGER TO EXECUTE THE CONTRACT AMENDMENT.

WHEREAS, at its April 1, 2003, meeting the Modesto City Council adopted Resolution 2003-164 approving execution of a contract with Maze & Associates to perform the City's annual financial audits, and

WHEREAS, the City Manager executed said contract on behalf of the City of Modesto, and

WHEREAS, the audit firm was required as part of its work to perform additional work for the 2004 Single Audit that was outside the scope of the original contract, at a price not to exceed $5,263, and

WHEREAS, it is anticipated that additional audit services will be required in Fiscal Year 2005 for two additional federal programs and for three additional Community Facilities Districts, at respective additional annual costs of $10,852 and $10,206, and

WHEREAS, the contract for these audit services requires Modesto City Council approval for such additional work, and

WHEREAS, at its November 22, 2004, meeting the Audit Committee recommended that the Council approve payment for the additional work,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an amendment to the contract for audit services with Maze & Associates, authorizing the additional work proposed, at a cost not to exceed $5,263 for Fiscal Year 2004, and, $21,058 for 2005.
BE IT FURTHER RESOLVED that the Acting City Manager, or his designee, is hereby authorized to execute said contract amendment.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4\textsuperscript{th} day of January, 2005, by Councilmember Dunbar, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: \textit{Jean Zahr}, City Clerk

(SEAL)

APPROVED AS TO FORM:

By \textit{Michael D. Milich}, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2005-014

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF
MODESTO AND TURNSTONE CONSULTING FOR PRELIMINARY WORK TO
ASSIST IN THE PREPARATION OF AN ENVIRONMENTAL IMPACT REPORT FOR
THE PROPOSED ROSELLE NEIGHBORHOOD SPECIFIC PLAN PROJECT/
VINTNERS SQUARE SHOPPING CENTER, AND AUTHORIZING THE CITY
MANAGER TO EXECUTE THE AGREEMENT IN AN AMOUNT NOT TO EXCEED
$68,839.00

WHEREAS, Dave Romano, P.E/AICP, of Russell A. Newman P.L.C., has applied
for a specific plan, referred to as the Roselle Neighborhood Specific Plan, to allow for the
orderly and future development within the approximate 460-acre planning area bounded by
Sylvan Avenue on the south, the extension of Claratina Avenue on the north, Roselle
Avenue on the east and Oakdale Road on the west, and

WHEREAS, the Roselle Neighborhood Specific Plan will also involve the
following associated entitlements: prezoning to a Specific Plan-Overlay (SP-O) zone;
annexation; a general plan amendment to 1) reclassify Claratina Avenue from a 4-lane
expressway to a 6-lane Principal Arterial, and 2) change the general plan land use
designation from Village Residential (VR) to Regional Commercial (RC) for a 78 acre site
located at the southeast corner of the future intersection of Claratina Avenue and Oakdale
Road; preparation of a Facilities Master Plan and associated Finance plan, formation of a
capital facilities district (CFD) and a conditional use permit for a 700,000 square foot
regional commercial center, referred to as Vintners Square, on a 78 acre site located at the
southeast corner of the future intersection of Claratina Avenue and Oakdale Road, and
WHEREAS, Section 21080.1 of the California Public Resources Code requires the City of Modesto, as lead agency, to make a determination of whether an environmental impact report is required for projects, and

WHEREAS, the City has determined that an environmental impact report is required for the proposed Roselle Neighborhood Specific Plan project and related applications, and

WHEREAS, by Resolution No. 2002-622, adopted on December 10, 2002, the City Council approved a list of environmental service providers, including the firm of Turnstone Consulting, to assist with the preparation of environmental impact reports and other environmental documents, and

WHEREAS, City staff selected Turnstone Consulting to prepare the environmental impact report for the Roselle Neighborhood Specific Plan because of their extensive experience on similar projects in other jurisdictions, and

WHEREAS, City Staff anticipates that the EIR work will involve two contract phases, the first phase being the current contract for preliminary work leading to the EIR in an amount not to exceed $68,839, and

WHEREAS, City staff will be returning to Council for contract amendments for the second phase of work for preparation of the Draft EIR and Final EIR,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Turnstone Consulting for preliminary work to assist in the preparation of an environmental impact report for the proposed Roselle Neighborhood Specific Plan/Vintners Square Development is hereby approved in an amount not to exceed 68,839.00.
BE IT FURTHER RESOLVED that the Acting City Manager, or his designee, is hereby authorized to execute the Agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of January, 2005, by Councilmember Dunbar, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

(Seal)

ATTEST

Jean Zahr, City Clerk

APPROVED AS TO FORM:

BY: 

Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2005-015

A RESOLUTION APPROVING THE ALLOCATION OF $68,791 FROM FISCAL YEAR 2004-2005 HOME CHDO OPERATING FUND TO HABITAT FOR HUMANITY, STANISLAUS; APPROVING THE ALLOCATION OF $206,372 FROM FISCAL YEAR 2004-2005 HOME CHDO SET-ASIDE FUND TO HABITAT FOR HUMANITY, STANISLAUS, PENDING STAFF AND THE CITIZENS HOUSING AND COMMUNITY DEVELOPMENT COMMITTEE’S APPROVAL OF THE REVISED PROPOSAL TO BE SUBMITTED BY HABITAT FOR HUMANITY, STANISLAUS.

WHEREAS, the City of Modesto receives annual entitlements from the U.S. Department of Housing and Urban Development (HUD) based on the population size, number of households living below poverty level and number of sub-standard housing units; a percentage of the HOME Investment Partnership Program (HOME) entitlement plus estimated program income may be allocated for the purposes of providing assistance consistent with the functions of HOME funding; Community Housing Development Organizations (CHDO) funds can be allocated only to non-profit organizations that have been approved by the City of Modesto as CHDOs, and are active in Modesto and operating in compliance with the HOME regulations, and

WHEREAS, inasmuch as the federal HOME program provides these funds, all funding recipients will be governed by HOME regulations, and

WHEREAS, on October 26, 2004, by Resolution No. 2004-564, the Modesto City Council approved a loan of $1,030,791 in HOME funds to the Housing Authority of Stanislaus County for the Village One project located at the corner of Belharbour and Roselle, and

WHEREAS, the Modesto City Council also authorized staff to send a letter to the three active and approved Community Housing Development Organizations (CHDOs)
and invite them to submit a letter of interest if they are interested to apply for these funds, and

WHEREAS, on October 28, 2004, a request for “Letters of Interest” was sent; Habitat for Humanity, Stanislaus, was the only CHDO who submitted a “Letter of Interest,” and

WHEREAS, according to the “Letter of Interest,” Habitat for Humanity will use the CHDO Operating Fund to fund the following eligible operational costs: organizational support, housing education, administrative expenses, and operating expenses, and

WHEREAS, in addition, Habitat for Humanity briefly listed one potential project for the CHDO Set-Aside Fund and has verbally discussed several other possibilities, and

WHEREAS, the Citizens Housing and Community Development Committee (CH&CDC) met on December 17, 2004, and accepted staff’s recommendation on the allocation of $68,791 in CHDO Operating Fund to Habitat for Humanity, and

WHEREAS, the Citizens Housing and Community Development Committee (CH&CDC) also accepted staff’s recommendation to continue to work with Habitat for Humanity to clarify the proposed scope of the CHDO Set-Aside fund in the amount of $206,372,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby authorizes staff to allocate $68,791 in Community Housing Development Organization (CHDO) Operating Fund to Habitat for Humanity, Stanislaus.
BE IT FURTHER RESOLVED by the Council of the City of Modesto that the
Council hereby authorizes staff to allocate $206,372 in Community Housing
Development Organization (CHDO) Set-Aside Fund to Habitat for Humanity, Stanislaus,
if the revised proposal is in compliance with the HOME regulations, and staff and the
CH&CDC approve the revised proposal.

The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 4th day of January, 2005, by Councilmember Dunbar,
who moved its adoption, which motion being duly seconded by Councilmember Hawn,
was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh,
O'Bryan, 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. 2005-016

A RESOLUTION AMENDING THE FISCAL YEAR 2004-2005 OPERATING BUDGET TO REFLECT REVENUES AND APPROPRIATIONS FOR HOME FUND CARRYOVER AMOUNTS FROM PRIOR YEAR.

WHEREAS, the City of Modesto receives annual entitlements from the U.S. Department of Housing and Urban Development (HUD) based on the population size, number of households living below poverty level and number of sub-standard housing units, and

WHEREAS, a percentage of the HOME Investment Partnership Program (HOME) entitlement plus estimated program income may be allocated for the purposes of providing assistance consistent with the functions of HOME funding; Community Housing Development Organizations (CHDO) funds can be allocated only to non-profit organizations that have been approved by the City of Modesto as CHDOs, and are active in Modesto and operating in compliance with the HOME regulations, and

WHEREAS, inasmuch as the federal HOME program provides these funds, all funding recipients will be governed by HOME regulations, and

WHEREAS, staff is recommending allocating $68,791 in CHDO Operating Fund to Habitat for Humanity, and

WHEREAS, staff is recommending allocating $206,372 from the HOME CHDO Set-Aside Fund to Habitat for Humanity, Stanislaus, pending staff and Citizens Housing and Community Development Committee’s approval of the revised proposal to be submitted by Habitat for Humanity, Stanislaus, and
WHEREAS, the Community Housing and Development Committee (CH&CDC) met on December 17, 2004, and accepted staff’s recommendations to allocate $68,791 from the HOME CHDO Operating Fund to Habitat for Humanity, Stanislaus, and

WHEREAS, the CH&CDC also accepted staff's recommendations to continue to work with Habitat for Humanity to clarify the proposed scope of the CHDO Set-Aside fund in the amount of $206,372, and

WHEREAS, funding is available from prior years’ HOME Fund Carryover, and, in order to make these funds available, they need to be transferred into operating accounts, and

WHEREAS, these changes, and remaining prior years’ carryover funds currently not allocated for any specific projects, are shown on Exhibit “A”, attached hereto and incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Fiscal Year 2004-2005 Operating Budget is hereby amended to reflect adjustments to the HOME Funds as indicated on Exhibit “A” attached hereto and incorporated herein by reference.

BE IT FURTHER RESOLVED that the Acting City Manager, or his designee, is hereby authorized to take the necessary steps to implement the provisions of this resolution.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of January, 2005, by Councilmember Dunbar, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: [Signature]
JEAN ZAHN, City Clerk

APPROVED AS TO FORM:

By: [Signature]
MICHAEL D. MILICH, City Attorney
REQUEST FOR BUDGET ADJUSTMENT

Contact Person: Grace Hsu
Telephone No.: 571-5506
Department: Parks, Recreation & Neighborhoods

Fund Title: HOME Fund 1170

<table>
<thead>
<tr>
<th>Fund-Agency-Organization-Object</th>
<th>Appr Unit</th>
<th>Current Budget</th>
<th>Increase/Decrease</th>
<th>Revised Budget</th>
<th>Description of Object</th>
</tr>
</thead>
<tbody>
<tr>
<td>1170-320-3259-3512</td>
<td>na</td>
<td>1,030,791</td>
<td>471,381</td>
<td>1,502,172</td>
<td>HOME Carryover</td>
</tr>
<tr>
<td>1170-320-3259-3517</td>
<td>na</td>
<td>1,238,235</td>
<td>0</td>
<td>1,238,235</td>
<td>HOME Entitlement</td>
</tr>
<tr>
<td>1170-320-3259-6310</td>
<td>na</td>
<td>100,000</td>
<td>0</td>
<td>100,000</td>
<td>Direct Loan Principal - Prog Income</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2,369,026</td>
<td>471,381</td>
<td>2,840,407</td>
<td>Grand Total</td>
</tr>
</tbody>
</table>

DEPARTMENTAL REVENUES

APPROPRIATIONS

<table>
<thead>
<tr>
<th>Fund-Agency-Organization-Object</th>
<th>Appr Unit</th>
<th>Current Budget</th>
<th>Increase/Decrease</th>
<th>Revised Budget</th>
<th>Description of Object</th>
</tr>
</thead>
<tbody>
<tr>
<td>1170-320-3259-0235</td>
<td>3259C</td>
<td>1,000</td>
<td>20</td>
<td>1,020</td>
<td>Services, Professional and Others</td>
</tr>
<tr>
<td>1170-320-3259-0255</td>
<td>3259C</td>
<td>6,281</td>
<td>0</td>
<td>6,281</td>
<td>Services City Forces</td>
</tr>
<tr>
<td>1170-320-3259-0497</td>
<td>3259C</td>
<td>2,061,582</td>
<td>5,187</td>
<td>2,066,769</td>
<td>Direct Loans</td>
</tr>
<tr>
<td>1170-320-3259-0508</td>
<td>3259C</td>
<td>206,373</td>
<td>457,505</td>
<td>663,878</td>
<td>CHDO (15% of Entitlement)</td>
</tr>
<tr>
<td>1170-320-3259-0509</td>
<td>3259C</td>
<td>68,791</td>
<td>8,668</td>
<td>77,459</td>
<td>CHDO Operating (5% of Entitlement)</td>
</tr>
<tr>
<td>1170-320-3259-0510</td>
<td>3259C</td>
<td>25,000</td>
<td>0</td>
<td>25,000</td>
<td>Tenant Based Rental Assistance (TBR)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2,369,027</td>
<td>471,380</td>
<td>2,840,407</td>
<td>Total</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2,369,027</td>
<td>471,380</td>
<td>2,840,407</td>
<td>Grand Total</td>
</tr>
</tbody>
</table>

COMMENTS/JUSTIFICATION

Adjustments required to reflect carryover from prior years' HOME funds.

AUTHORIZATION (check if required)

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

Exhibit A
(HOME Carryover)
A RESOLUTION APPROVING A HOUSING MAINTENANCE PROGRAM (HMP) LOAN FROM MARY G. PEREZ, SECURED BY HER PROPERTY AT 1701 CONNIE WAY, MODESTO, IN THE AMOUNT OF $117,075.10, WITH A 3%, 50-YEAR DEFERRED PAYMENT LOAN, AND AUTHORIZING THE ACTING CITY MANAGER TO EXECUTE THE AGREEMENT.

WHEREAS, the City of Modesto has a Housing Maintenance Program (HMP) funded through Federal Community Development Block Grant (CDBG) and proceeds from previous loans, and

WHEREAS, the City Council must approve all loans under this program for over $60,000, and

WHEREAS, staff recommends approving a loan to Mary G. Perez, secured by her property at 1701 Connie Way, Modesto, in the amount of $117,075.10, with a 3%, 50-year deferred payment loan, and

WHEREAS, this property is located in the Airport Neighborhood which is a voluntary target area, and owners who wish to participate in our program undergo a housing inspection and if they wish to participate in our program, they are required to bring their home up to code, and

WHEREAS, the Housing Rehabilitation Loan Committee (HRLC) met on December 16, 2004, and supported and recommended the loan amount and terms,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves the request for a Housing Maintenance Program (HMP) loan to Mary G. Perez, secured by her property at 1701 Connie Way, Modesto, in the amount of $117,075.10.
BE IT FURTHER RESOLVED that the recommendation for terms of 3% for a 50-year deferred payment loan is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of January, 2005, by Councilmember Dunbar, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: ____________________________
JEAN LAHR, City Clerk

APPROVED AS TO FORM:

By: ______________________________
MICHAEL D. MILICH, City Attorney
A RESOLUTION APPROVING THE AWARD OF A PROFESSIONAL SERVICES AGREEMENT TO BROWN AND CALDWELL, FOR $548,922 TO COMPLETE DESIGN SERVICES FOR THE DISSOLVED AIR FLOTATION FACILITY PROJECT, AND AUTHORIZING THE ACTING CITY MANAGER TO EXECUTE THE AGREEMENT

WHEREAS, the City of Modesto operates and maintains a secondary treatment system at 7007 Jennings Road, and

WHEREAS, during the late fall, winter, and early spring months discharge to the San Joaquin River is allowed if the treated wastewater is of adequate quality, and

WHEREAS, the Dissolved Air Flotation (DAF) clarifier is the technology chosen to resolve effluent disposal limitations, and

WHEREAS, City Administrative Directive 3.1 was followed to select a professional engineering design consultant, and

WHEREAS, following a Request for Qualifications for engineering design services, which was sent to approximately one hundred and twenty-three (123) engineering firms, seven Statements of Qualifications were received, and four firms were short listed for Proposals and Interviews, and

WHEREAS, Brown and Caldwell was deemed most qualified and was selected for engineering design services for the DAF project, and

WHEREAS, the Public Works Director has recommended accepting the proposed contract with Brown and Caldwell to complete the Design Services for the Dissolved Air Flotation Facility in an amount not to exceed $548,922.
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the agreement with Brown and Caldwell to complete the Design Services for the Dissolved Air Flotation Facility in an amount not to exceed $548,922,

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of January, 2005, by Councilmember Dunbar, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

ATTEST: JEAN ZAHR, City Clerk

(SEAL)
A RESOLUTION AMENDING THE CURRENT CAPITAL IMPROVEMENT BUDGET RETURNING $105,000 TO RESERVES FROM ACCOUNT ENGINEERING SYSTEMS ANALYSIS 6210-430-A209; A REAPPROPRIATION OF $105,000 FROM RESERVES TO ACCOUNT 6210-430-A215 DISSOLVED AIR FLOTATION; FUND TRANSFER OF $55,000 FROM ACCOUNT 6210-480-5213 WATER TREATMENT SECONDARY; AND A FUND TRANSFER OF $50,000 FROM ACCOUNT 6210-480-5214 WATER TREATMENT PRIMARY TO FULLY FUND A CONTRACT WITH BROWN AND CALDWELL FOR DESIGN SERVICES FOR A DISSOLVED AIR FLOTATION FACILITY PROJECT

WHEREAS, the Dissolved Air Flotation account 6210-430-A215 only provides $395,600 of the Brown and Caldwell design consultant contract in the amount of $548,922, and

WHEREAS, certain budgetary transactions are necessary to fully fund said contract, and

WHEREAS, $105,000 is to be transferred to reserves from Engineering Systems Analysis account 6210-430-A209, and

WHEREAS, $105,000 is to be transferred from reserves to the Dissolved Air Flotation account 6210-430-A215, and

WHEREAS, $50,000 is to be transferred from Water Quality Control Center’s operation and maintenance account 6210-480-5214-0210, and

WHEREAS, $25,000 is to be transferred from Water Quality Control Center’s operation and maintenance account 6210-480-5213-0312, and

WHEREAS, $5,000 is to be transferred from Water Quality Control Center’s operation and maintenance account 6210-480-5213-0235, and

WHEREAS, $25,000 is to be transferred from Water Quality Control Center’s operation and maintenance account 6210-480-5213-0210.
NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby approves funding transfers as set forth herein to fully fund the Brown and Caldwell design services contract for the Dissolved Air Flotation Facility project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of January, 2005, by Councilmember Dunbar, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED AS TO FORM:

By

MICHAEL D. MILICH, City Attorney

ATTEST:

JEAN ZAHR, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2005-020

A RESOLUTION ACCEPTING THE BID AND APPROVING A $724,000.00 CONTRACT WITH SOARES PIPELINE, INC., FOR THE PROJECT TITLED, "ANNUAL SEWER REHABILITATION 2004," AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE CONTRACT. TOTAL ESTIMATED COST OF THIS PROJECT IS $854,320.00

WHEREAS, the bids received for Annual Sewer Rehabilitation 2004 were opened at 11:00 a.m. on December 7, 2004, and later tabulated by the Public Works Director for the consideration of the Council, and

WHEREAS, the Public Works Director has recommended that the bid of $724,000 received from Soares Pipeline, Inc., be accepted as the lowest responsible bid and the contract be awarded to Soares Pipeline, Inc.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the bid of Soares Pipeline, Inc., in the amount of $724,000, and hereby awards Soares Pipeline, Inc., the contract titled "Annual Sewer Rehabilitation 2004."

BE IT FURTHER RESOLVED that the Acting City Manager, or his designee, is hereby authorized to execute the contract.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of January, 2005, 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, Hawn, Jackman, Marsh, O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Keating

ATTEST: ____________________________

JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By ____________________________

MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL  
RESOLUTION NO. 2005-021

A RESOLUTION AMENDING THE CURRENT CAPITAL IMPROVEMENT BUDGET TO ESTABLISH THE NEW ACCOUNT 6210-430-B627 ANNUAL SEWER REHABILITATION 2004 PROJECT, FUNDED BY $666,800 FROM OPERATING ACCOUNT 6210-480-5224-0235; RETURNING $86,500 TO THE WASTEWATER CONTINGENCY RESERVES ACCOUNT 6210-800-8000-8003 AND CLOSING ACCOUNT 6210-480-Q234; A REAPPROPRIATION OF $187,520 FROM RESERVES TO ACCOUNT 6210-430-B627 - ANNUAL SEWER REHABILITATION 2004 TO FULLY FUND A CONTRACT WITH SOARES PIPELINE, INC., FOR THE CONSTRUCTION OF ANNUAL SEWER REHABILITATION 2004

WHEREAS, a new Capital Improvement account 6210-430-B627 for the Annual Sewer Rehabilitation 2004 project is needed to be established, and

WHEREAS, certain budgetary transactions are necessary to fully fund said contract, and

WHEREAS, $666,800 is to be transferred from the Wastewater Annual Sewer Rehabilitation operating and maintenance account 6210-480-5224-0235, and

WHEREAS, $86,500 is to be transferred to reserves from closing the Replace/Rehab Brick Manhole account 6210-480-Q234, and

WHEREAS, $187,520 is to be transferred from Reserves 6210-800-8000-8003 to the new Annual Sewer Rehabilitation 2004 account 6210-430-B627.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby approves funding transfers as set forth herein to fully fund the $724,000 contract with Soares Pipeline, Inc., for the Annual Sewer Rehabilitation 2004 project.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of January, 2005, 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, Hawn, Jackman, Marsh, O’Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Keating

ATTEST: 

APPROVED AS TO FORM:

By

MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2005-022

A RESOLUTION APPROVING THE AWARD OF A PROFESSIONAL SERVICES AGREEMENT TO KIMLEY-HORN AND ASSOCIATES, INC., FOR $236,858.15 TO COMPLETE DESIGN SERVICES FOR THE PEDESTRIAN OVERCROSSING OF SYLVAN AVENUE AT MILLBROOK AVENUE PROJECT, AND AUTHORIZING THE COMMUNITY FACILITIES DISTRICT ADMINISTRATOR TO EXECUTE THE AGREEMENT

WHEREAS, the Village One Facilities Master Plan contains a prioritization list for construction projects to be funded by the Village One Community Facilities District, and

WHEREAS, the Pedestrian Overcrossing of Sylvan Avenue at Millbrook Avenue project is identified on the prioritization list as a Priority 1 project, and

WHEREAS, the City Administrative Directive 3.1 was followed to select a professional engineering design consultant, and

WHEREAS, following a Request for Qualifications for engineering design services, which was sent to all engineering firms that had previously indicated an interest in providing this type of service, seventeen statements of qualifications were received for the Pedestrian Overcrossing of Sylvan Avenue at Millbrook Avenue project, and

WHEREAS, the City’s Selection Committee short listed four of the seventeen firms that submitted a statement of qualifications and sent those firms a Request for Proposal, and

WHEREAS, each of the short-listed firms that were sent a Request for Proposal submitted a proposal for services, and
WHEREAS, each of the short listed firms that were sent a Request for Proposal submitted a proposal for services and were interviewed by the City’s Selection Committee, and

WHEREAS, the City’s Selection Committee deemed that Kimley-Horn and Associates, Inc., is the most qualified to provide the engineering design services for the Pedestrian Overcrossing of Sylvan Avenue at Millbrook Avenue project, and

WHEREAS, the Public Works Director and the Community Facilities District Administrator has recommended accepting the proposed agreement with Kimley-Horn and Associates, Inc., to complete the Design Services for the Pedestrian Overcrossing of Sylvan Avenue at Millbrook Avenue in an amount not to exceed $236,858.15,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the agreement with Kimley-Horn and Associates, Inc., to complete the Design Services for the Pedestrian Overcrossing Of Sylvan Avenue At Millbrook Avenue in an amount not to exceed $236,858.15,

BE IT FURTHER RESOLVED that the Community Facilities District Administrator, or his designee, is hereby authorized to execute the agreement.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of January, 2005, by Councilmember Dunbar, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, 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
MODESTO CITY COUNCIL
RESOLUTION NO. 2005-023

RESOLUTION ACCEPTING THE WORK BY COLLINS ELECTRICAL COMPANY, INC., FOR THE “INSTALLATION OF CLOSED CIRCUIT TELEVISION CAMERAS” PROJECT AS COMPLETE, AUTHORIZING THE CITY CLERK TO FILE A NOTICE OF COMPLETION, AND AUTHORIZING PAYMENT OF AMOUNTS DUE TOTALING $1,178,156.63 PER THE CONTRACT. TOTAL PROJECT COST IS $1,344,969.10

WHEREAS, a report has been filed by the Public Works Director that the project titled “Installation of Closed Circuit Television Cameras” has been completed by Collins Electrical Company, Inc., in accordance with the contract agreement dated November 20, 2001.

NOW, THEREFORE, BE IT RESOLVED that the “Installation of Closed Circuit Television Cameras” project be accepted from said contractor, Collins Electrical Company, Inc., that the Notice of Completion be filed with the Recorder of Stanislaus County and that payment of amounts due totaling $1,178,156.63 as provided in the contract, be authorized.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of January, 2005, by Councilmember Dunbar, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, 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 THE PURCHASING SUPERVISOR TO FORMALY SOLICIT REQUEST FOR PROPOSALS (RFP) FOR ARMED/UNIFORMED SECURITY GUARD SERVICES FOR AN INITIAL TWO YEAR PERIOD, WITH THREE (3), ONE-YEAR CONTRACT EXTENSION OPTIONS FOR AN ESTIMATED ANNUAL COST OF $425,000

WHEREAS, the Public Works Department, Modesto City-County Airport, and the Parks, Recreation, and Neighborhoods Departments have requested the purchase of armed/uniformed security guard services for an initial two-years, with three one-year contract extension options for an estimate annual fiscal year total cost of $425,000, and

WHEREAS, armed/uniformed security guard services are used at the following locations: Wastewater Treatment Plant (WQC, Sutter Avenue Facility, Transportation Center, Modesto City-County Airport, Bus Yard Facility, Amtrak Station, 1010 10TH Street (TSP), 9TH, 10TH and 11TH Street Parking Garages, American Legion Hall, and other locations as needed, and

WHEREAS, uniformed security guards at the Water Quality Control Plant ensure enforcement of “no trespassing” and “authorized personnel” only policies, provide for additional safety and security for shift operators, provide greater security of critical areas such as the main building which houses wastewater operations, the laboratory and industrial waste buildings and at the two maintenance shops and the administration buildings, and

WHEREAS, these buildings contain equipment that is critical to the successful operation of the Wastewater facility, and

WHEREAS, uniformed security guard service at the Transportation Centers helps deter vandalism and break-ins at the transportation center, and
WHEREAS, the security guard firm provides a first response to security alarm calls, thereby saving the Police Department from having to investigate what often turn out to be false alarms, and

WHEREAS, from its opening, the Transportation Center Transit office contracted with the Modesto Police Department for security support during the peak midday/afternoon travel period; later, with a growth in transit ridership, similar security support using a less expensive guard service was added during the morning period, and

WHEREAS, this service has reduced the number of rider and vandalism incidents previously experienced during the early and mid morning periods, and

WHEREAS, in addition, during the late night period when the City and County transit operations are closed, security guard service is shared with the 9th Street garage, and

WHEREAS, the assigned guard makes periodic walking patrols throughout the Transportation Center grounds and buildings, and

WHEREAS, this service also supports, Greyhound’s 24 hours, seven days a week bus operations, and

WHEREAS, uniformed security guards service at the Modesto-County Airport patrol in the parking lots, building areas of the air carrier, general aviation sides of the airport, and perimeter fencing areas, and

WHEREAS, additionally, the guard patrols the passenger terminal including visual observation of the aircraft and aircraft parking aprons on both sides of the airport, and
WHEREAS, the Bus Maintenance facility requires armed uniformed security guard services to provide security to employees collecting the money received from bus fares, and

WHEREAS, when buses return to the yard in the evening, fare boxes are removed from the buses and the resulting tickets and cash receipts are consolidated, with cash and coins, and then delivered to the bank, and

WHEREAS, having an on-site armed-security guard during this transfer period is a positive and widely accepted business practice in the transit industry, and to date, there has been no security incident with this critical operation, and

WHEREAS, uniformed security guards at the Amtrak Station will provide enforcement of the no loitering laws and added security to the Amtrak Station, and

WHEREAS, based on its remote location and early security issues that occurred at the station after opening in 1999, two types of security guard service have proved to be an effective and efficient use of resources, and earlier problems with vehicles break-ins and vandalism have been significantly reduced after this service was added, and

WHEREAS, during peak holiday travel periods (Christmas/New Year, Thanksgiving, Memorial Day, 4th of July, and Labor Day, on site guard services are provided from station closing (10:00P.M.) to station opening (7:00 A.M.), and

WHEREAS, for other times of the year when the station is closed, a “pass through” patrol made 4 to 5 unscheduled vehicle and walking passes through the station, and

WHEREAS, the Federal Transit Administration requires transit agencies to spend a minimum of 1% of their annual FTA allocation on security projects, and
WHEREAS, the amount spent annually for FTA allocation is $33,620.00 or 1%, and if the City does not meet this requirement, it must formally certify that there is no need for transit security, and

WHEREAS, a portion of the rent paid by the County and Greyhound for use of the Transportation Center is used to offset City-provided security guard services at the Transportation Center, and

WHEREAS, uniformed security guard service at 1010 Tenth Street (TSP) performs many functions, from escorting City employees to their cars after hours to patrolling the plaza during the evenings and weekends, monitoring visitors in the lobby, and monitoring cameras mounted inside and outside the building and garage, and

WHEREAS, security guards carry police radios to expedite MPD responses to an emergency in the plaza or building, and

WHEREAS, another function of the security guards service is to monitor the police or sheriff officer assigned to the chamber during City Council and County Supervisors meetings, and

WHEREAS, guards patrol our building and plaza to ensure we are working in a safe and protected environment, and

WHEREAS, they help with the removal of citizens who are panhandling or are a disruptive influence in the Plaza, and

WHEREAS, the 9th Street Parking Garage uniformed security guard service provides a roving patrol officer who monitors activity in the parking garage, and

WHEREAS, this officer interacts with customers, parking garage attendants, other security officers and MPD as necessary, and
WHEREAS, uniformed security guards are responsible for conducting continuous rounds and inspections of the parking garage during prescribed hours, and communicating with others members of the security team and MPD as necessary, and

WHEREAS, uniformed security guard services at the 10th and 11th Street parking garages provide the downtown parking garages with a roving patrol officer who monitors activity in the parking garages, and

WHEREAS, this officer interacts with customers, parking garage attendants and MPD as necessary, and

WHEREAS, uniformed security guards will be required at the American Legion Hall on an as needed basis, and

WHEREAS, the Hall is rented every weekend, and depending on the size of the group renting the hall, security guards needed may vary from two (2) to eight (8) security guards, and

WHEREAS, the Parks, Recreation and Neighborhoods (PR&N) Department requires renters at American Legion Hall to provide security guards for their events in a number determined by the Modesto Police Department on an event-by-event basis, and

WHEREAS, currently, the renters contract directly with the guard services, so there are no expenditures or revenues to Parks, Recreation, and Neighborhoods Department, and

WHEREAS, when the contract services are awarded, PR&N will establish expenditures and revenues lines and will estimate both at that time, and
WHEREAS, by soliciting formal proposals for armed/uniformed security guard services, 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 that the Purchasing Supervisor is hereby authorized to solicit formal Request for Proposals for armed/uniformed security guard services for an initial two-year period, with three one-year contract extension options for an estimated annual cost of $425,000 as follows:

SECTION 1. The City Clerk is hereby authorized to call for public formal proposals for the purchase of armed/uniformed security guard services 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 proposals are opened, a committee comprised of representatives from various different City departments, along with a Councilmember observer, will evaluate the proposals based on criteria other than cost. The committee will make a recommendation to award based on the highest ranking in the total evaluation criteria. The recommendation to award will then be submitted to Council.
The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 4th day of January, 2005, by Councilmember Dunbar,
who moved its adoption, which motion being duly seconded by Councilmember Hawn,
was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, 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. 2005-025

A RESOLUTION DESIGNATING COUNCILMEMBER JACKMAN TO SERVE AS VICE MAYOR FOR THE ENSUING YEAR PURSUANT TO SECTION 603 OF THE CHARTER OF THE CITY OF MODESTO.

BE IT RESOLVED by the Council of the City of Modesto that Councilmember Jackman is hereby designated to serve as Vice Mayor for the ensuing year pursuant to Section 603 of the Charter of the City of Modesto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of January, 2005, 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, 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
WHEREAS, in April of 2004 the City Manager initiated a Development Process Improvement Program in response to concerns raised by the City Council regarding the City’s development review processes, and

WHEREAS, to facilitate the program an interdepartmental Process Improvement Task Force (PITF) was formed responsible for conducting a thorough evaluation of the current planning, building, engineering and landscape permit and plan approval processes, and

WHEREAS, this evaluation included reviewing the recommendations and actions taken in response to the Citygate Performance Review completed for the Planning and Building Divisions in 2001, completing detailed process mapping for all departments, conducting a storm water plan and inspection case study with Building and Public Works, distributing a customer survey to past clients, completing an initial evaluation of planning entitlement building permit processes, and presenting three detailed case studies to the Ad Hoc Development Review Task Force, and

WHEREAS, on October 11, 2004, the PITF made a presentation to the Economic Development Committee on the Task Force’s preliminary findings and conclusions, which identified the need to: enhance processes, systems and technology for more effective communication, coordination and decision-making; centralize information through the use of technology to track parallel activities and plan checks; establish uniform policies for application of standard specifications; standardize all application and
plan submittal requirements, and improve interdepartmental project condition referral and implementation processes, and

WHEREAS, to guarantee results from this effort over the long term, the PITF has developed an overall Action Plan (Exhibit “A”), which identifies deliverables that can be completed with existing staff resources within the current fiscal year and deliverables deferred to FY 05/06 that will require commitment of additional resources, and

WHEREAS, the PITF is requesting City Council approval of the proposed Action Plan to ensure staff is implementing measures consistent with Council expectations and policy, and

WHEREAS, at their meeting of December 13, 2004, the Economic Development Committee approved the proposed Action Plan and recommended forwarding it on to the full Council for approval,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Modesto that the Development Process Improvement Program Action Plan, a copy of which is attached as Exhibit “A”, is hereby approved.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of January, 2005, by Councilmember Keating, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: \[Signature\]
JEAN ZAHN, City Clerk

APPROVED AS TO FORM:

\[Signature\]
MICHAEL D. MILICH, City Attorney
Exhibit A

City of Modesto
Development Process Improvement Program Action Plan
January 4, 2005

Mission
To increase the productivity, effectiveness and customer service quality of the City’s Development Review Process by enhancing communication and collaboration between City departments

Process Improvement Activities to Date
- Formed Process Improvement Task Force, conducted weekly meetings since June 2004 to provide forum for interdepartmental communication and problem solving on agency-wide application processing issues.
- First meeting of Interdepartmental Project Team held on November 15, 2004 for large-scale specific plans and master plans.
- Formed City/County Development Process Review Team, conducting twice monthly meetings since September 24, 2004.
- Participated in the Ad Hoc Development Review Task Force, including presenting three detailed case studies to the task force and received input on system enhancements.
- Conducted storm water plan and inspection case study with Building and PW.
- Completed process mapping for all departments.
- Distributed customer survey.
- Completed initial evaluation of building permit process.

FY 04-05 Action Plan (based on use of existing resources, unless noted otherwise)
- Improve Project Tracking Processes: enhance interdepartmental communication and coordination through the use of technology (Tidemark System upgrades) and ongoing quality management assessment. Finalize Process Maps for each component of the planning and plan check review and permit inspection processes. Proposed Tidemark enhancements include:
  o Setting up individual department single line activities for submittals and resubmittals to allow status reporting for each permit.
  o Expand use of, and training for, Tidemark by all staff involved in development review process.
  o Attachment of individual department plan review comments and notes to single permit file to facilitate interdepartmental plan/permit tracking and communication and to provide a quality and consistent overall plan review.
- Improve Building Plan and Permit Intake Process: maximize use of the “One-Stop Shop”; determine feasibility of Building intake of PW, Fire and PR&N plans and permits at CEDD counter.
- Revise Building and Planning Application and Plan Forms and Submittal Requirements: consolidate department submittal requirements; strengthen submittal requirements to minimize requests for additional information or studies later in the review process.
- Reorganize the Development Review Team (may require additional PW staff): make the development review process more transparent and predictable by requiring specific deadlines for submittal of conditions; clarifying standard conditions and specifications; establishing a process for rapid issue resolution; empowering staff assigned to DRT to make decisions; forwarding draft conditions to applicant for review; and including the applicant in DRT review of final draft conditions.
- Update and Revise Standard Conditions: redraft application conditions so that sufficient detail is included to provide adequate guidance on who, what, where and how
conditions are to be implemented at the building permit, improvement plan and final map stages.

- **Mandatory Pre-application Conference**: institute mandatory pre-applications for certain classifications of Planning and Building projects.

- **Adopt Citywide Development Review Mission Statement and Goals**: enhance customer service and program effectiveness by adopting a citywide mission statement and goals, including effective performance measures; to ensure uniform and congruent departmental processing priorities and objectives, priorities and that these objectives are aligned with Council and management expectations.

- **Reestablish the Construction Industry Liaison Committee**: improve communication between the City and building industry and facilitate public/private cooperation in the ongoing evaluation and improvement of the City’s development review process.

- **Establish Development Center Website**: create a single portal on the City’s Website to facilitate public access to all development related activities and information.

- **Improve the City/County Sphere of Influence Project Referral and Review Process**: conduct an interagency evaluation of current development standards, processes, regulations and fees; determine feasibility of adopting uniform development standards and guidelines for projects in the sphere of influence.

**FY 05-06 Action Plan (additional resources required)**

- **Ensure Effective Development Review Process Fiscal Administration**: annually review and make adjustments in cost-for-service fees (planning, engineering, building), improve project cost accounting system, including financial reporting to applicants on time and material projects.

- **Strengthen Customer Knowledge of City Development Review Process**: strengthen customer knowledge and understanding of, and changes in, the City’s development permit process by developing flowcharts, brochures, and fact-sheets and distribution of newsletters, emails, bulletins, and flyers.

- **Improve Issue Resolution Process**: create a DRT organizational chart to assist applicants and staff in identifying who is responsible for resolving policy issues.

- **Establish Uniform Policies for Application of Standard Specifications**: create design exception process for application of City standard specifications to assist applicants and staff in resolving design disagreements.

- **Provide Customer Service Training for Staff**: design a customer service program specifically oriented to the development review process, focusing on the unique needs of the development community, particularly in regards to the time and cost associated with development projects.

- **Create a Development Review Process Interdepartmental Cross-training Program**: enhance City staff understanding of the overall permit process and their role and responsibilities through continuous cross training.

- **Enhance Staff Technical Skills**: to enhance service and effectiveness of staff provide continuous technical skills training.

- **Internet Applicant Project Tracking Program**: Provide applicants the ability to monitor project activity through use of Tidemark and the Internet.

- **Update Zoning Codes and Regulations**: update codes to reflect changes in City land use and building design.
MODESTO CITY COUNCIL
RESOLUTION NO. 2005-027

A RESOLUTION DECLARING THE CORNER OF ELM STREET AND ESCAMILLA AVENUE IN SALIDA, CALIFORNIA (ASSESSOR’S PARCEL NUMBER: 135-004-045) AS EXCESS LAND TO THE CITY’S NEEDS AND AUTHORIZING THE ACTING CITY MANAGER TO TAKE ALL APPROPRIATE ACTIONS TO COMPLETE THE SALE OF SAID PARCEL.

WHEREAS, the City of Modesto currently owns a parcel of land at the corner of Elm Street and Escamilla Avenue in Salida, California which is more particularly described as Assessor’s Parcel Number 135-004-045 and which is shown on the map in “EXHIBIT A” which is attached hereto and made a part herein by this reference, and

WHEREAS, said parcel was the site of a former City water well which has been sealed and abandoned and is now excess to the City’s needs, and

WHEREAS, if the City retains this parcel, it must be maintained by the City at City expense.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby declares that the parcel at the corner of Elm Street and Escamilla Avenue in Salida, California which is more particularly described as Assessor’s Parcel Number 135-004-045 is excess property to the City’s needs.

BE IT FURTHER RESOLVED that the Acting City Manager is hereby authorized to take appropriate actions and execute all required documents to complete the sale and transfer of said parcel to qualified buyers in accordance with the Government Code of the State of California.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of January, 2005, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: 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
Proposed Parcel Disposition

Site: Former Del Este Well Site; Well abandoned

Original size of parcel: 3003 square feet
Right-of-way sale to County: 586 square feet
Remainder: 2417 square feet of surplus property

1. Non-buildable parcel
2. If combined with adjacent parcel, home addition/garage could be built
3. Lot line would be removed; Requires $50 fee plus application to County
A RESOLUTION ESTABLISHING GUIDELINES FOR REDUCED RATES FOR LOW INCOME SENIOR CITIZENS AND LOW INCOME DISABLED PERSONS FOR METERED AND UNMETERED WATER SERVICES

WHEREAS, Sections 11-1.07 and 11-1.10 of the Modesto Municipal Code authorize the Council, by resolution, to establish charges for metered and unmetered water services and other utility charges, and

WHEREAS, by Resolution No. 2004-267 adopted on November 23, 2004, and which became effective January 1, 2005, the City Council rescinded all previous water resolutions, established a single rate base, established fees for the provision of water, and all fees associated with water operations and management, and various other Council resolution establish rates for sewer, storm drain, and garbage service, and

WHEREAS, Section No. 11 of Resolution no. 2004-267 states that from time to time, by separate resolution the City may enact subsidies for certain categories of ratepayers, as the City Council may see fit, provided that the source(s) of funds to implement such subsidies are source(s) separate from the water enterprise fund,

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

SECTION 1. UTILITY DISCOUNTS FOR LOW INCOME SENIOR CITIZENS AND LOW INCOME DISABLED PERSONS. The following utility discount rates for low income senior citizens and low income disabled persons shall apply as follows:

<table>
<thead>
<tr>
<th>Annual Income Levels</th>
<th>Discount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Up to $18,200</td>
<td>25% for water, sewer, storm drain and garbage</td>
</tr>
</tbody>
</table>
Program Requirements:

- Be 60 yrs or older and meet income levels.
- Have a documented medical card coded for disability.
- Reside at the address receiving the discount.

Program participants will be re-certified every two-years for eligibility verifying eligibility with a birth certificate, proof of income, and Medicare card. Disabled citizens will verify eligibility with a medical card coded with a disability and must provide proof of income.

SECTION 2. This resolution shall become effective on and after January 11, 2005.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of January, 2005, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, 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. 2005-029

A RESOLUTION AUTHORIZING THE DONATION OF LAERDAL HEARTSTART 3000 DEFIBRILLATION EQUIPMENT, SUPPLIES, AND TRAINING EQUIPMENT TO MEDICAL AMBASSADORS INTERNATIONAL.

WHEREAS, in 1994 the Modesto Firefighters recognized the need for defibrillator units on first responder fire apparatus, and

WHEREAS, the defibrillator units could be used to shock the heart back into a normal rhythm, and

WHEREAS, due to lack of department funding at that time, Modesto firefighters reached out to the community for assistance in funding this need, and

WHEREAS, a non-profit status was obtained and a Community Checking account was opened under the name of “Firefighters Emergency Medical Services” with Modesto Banking Company, and

WHEREAS, a total of 80 businesses and individuals donated $98,000.00, and

WHEREAS, fifteen (15) defibrillators and related accessories were purchased and the Fire Department’s defibrillation program began, and

WHEREAS, in June 2004, the Hearstart 3000 equipment was replaced with updated defibrillation equipment, and

WHEREAS, in order to maintain the spirit of the donations received, it is requested that the equipment be donated to an organization that it could most useful to,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the donation of the Heartstart 3000 defibrillator equipment, supplies and training equipment to Medical Ambassadors International.
The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 11th day of January, 2005, by Councilmember Jackman,
who moved its adoption, which motion being duly seconded by Councilmember Marsh,
was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: 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. 2005-30


WHEREAS, the State of California has made funding available through the Department of Water Resource’s Urban Streams Restoration Program for Fiscal Year 2004-2005, and

WHEREAS, development of the Tuolumne River Regional River Gateway Project (the “Project”) is consistent with the Urban Streams Restoration program under the State Of California’s Department of Water Resources programs, and

WHEREAS, said procedures established by the State of California’s Water Resources Department require the applicant’s governing body to certify by resolution the approval of the applicants before submission of said application to the State, and

WHEREAS, the applicant will enter into a contract with the State of California for the Project, and

WHEREAS, on December 12, 2001, by Resolution No. 2001-663, the Council of the City of Modesto certified the Tuolumne River Regional Park Master Environmental Impact Report (SCH# 2000022028), adopted a Statement of Findings of Fact and Overriding Considerations, adopted a Mitigation Monitoring Program, and directed staff to file a Notice of Determination,

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

1. Approves the filing of an application for $1,000,000 in local assistance funds from the State of California’s Department of Water Resources
through the Urban Streams Restoration Project for Fiscal Year 2004-2005; and

2. Certifies that the application has or will have sufficient funds to operate and maintain the Project; and

3. Certifies that the applicant has reviewed, understands, and agrees to the General Provisions contained in the contract shown in the Procedural Guide; and

4. Appoints the Parks Planning and Development Manager as Project Manager; and

5. Authorizes the Acting City Manager, or his designee, as agent to conduct all negotiations, execute and submit all documents including, but not limited to, applications, agreements, payment requests and so on, which may be necessary for the completion of the Project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of January, 2005, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: 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
MODESTO CITY COUNCIL
RESOLUTION NO. 2005-031

A RESOLUTION APPROVING A CONTRACT FOR $58,960 WITH COTTON/BRIDGES/ASSOCIATES TO PROVIDE SERVICES TO PREPARE THE CITY OF MODESTO'S FIVE-YEAR CONSOLIDATED PLAN (2005-2010) AND ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING UPDATE.

WHEREAS, the U.S. Department of Housing and Urban Development (HUD) requires entitlement grantees to adopt a comprehensive, long-term plan for the expenditure of HUD funds (the Five-Year Consolidated Plan (CP)), and

WHEREAS, the CP analyzes the City’s housing and community development needs, with a priority focus on low- and moderate-income individuals, households, and neighborhoods, and describes long-term strategies for meeting those needs, and

WHEREAS, in addition to the development of a broad policy framework, the Consolidated Plan also addresses how the City will utilize funding from three different entitlement grants to meet those needs: the Community Development Block Grant (CDBG); the HOME Investment Partnership Grant (HOME); and the Emergency Shelter Grant (ESG), and

WHEREAS, in general, these funds must be used to revitalize low-income neighborhoods, and to assist disadvantaged populations by providing adequate public facilities and services, generating affordable housing opportunities and implementing effective strategies to reduce and end homelessness, and

WHEREAS, citizen participation is a key component of the consolidated planning process, and the federal regulations implementing the three entitlement grants require that the City provide ample opportunity and means for the populations served by the grants, as well as the general citizenry, to provide input to the goals and priorities that should be
reflected in the plan, as well as the specific types of activities that will be funded development of its community, and

WHEREAS, HUD is committed to eliminating racial and ethnic segregation, illegal physical and other barriers to persons with disabilities and other discriminatory practices in housing, through the implementation of fair housing actions, and

WHEREAS, provisions to affirmatively further fair housing are principal and long-standing components of HUD’s housing and community development programs, and

WHEREAS, these provisions come from the mandate of Section 808(e)(5) of the Fair Housing Act which requires the Secretary of HUD to administer the Department’s housing and urban development programs in a manner to affirmatively further fair housing, and

WHEREAS, HUD requires grantees to conduct an analysis to identify impediments to fair housing choice within the jurisdiction, which should be done at least every 5 years, and

WHEREAS, the City’s current Consolidated Plan was adopted in 2000 and the last Analysis of Impediments (AI) to Fair Housing was completed in 1996, and

WHEREAS, both documents are currently due and should be completed before the end of the 2004-2005 fiscal/program year, and

WHEREAS, on September 28, 2004, by Resolution 2004-406, the City Council authorized staff to solicit formal proposals for the Consolidated Plan and Analysis of Impediments, and
WHEREAS, during the first week of October 2004, the Requests for Proposals (RFP) were sent to 22 firms throughout California, with a due date for proposal on November 6, 2004, and no proposals were received, and

WHEREAS, staff revised the RFP timeline and searched the Internet for additional firms who conduct Consolidated Plan and Analysis to Impediments work, and sent the revised RFP to 35 firms, nation-wide, on November 10, 2004, and

WHEREAS, seven proposals were received by the due date of December 10, 2004, of which four proposals were from out-of-state and three from California, and

WHEREAS, on December 15, 2004, a committee consisting of Departmental staff met to review the proposals, and

WHEREAS, the Committee narrowed down the firm selection to two firms: Cotton/Bridges/Associates and Pacific Municipal Consultants, and

WHEREAS, following the selection of two firms, two members of the Citizens Housing and Community Development Committee (CH&CDC) read and discussed the proposals with staff; staff and the two committee members recommended Pacific Municipal Consultants as the top firm to provide the CP and AI work, and at the December 17, 2004, meeting, the CH&CDC agreed with the screening committee’s recommendations, and

WHEREAS, after the CH&CDC meeting, staff discovered that Pacific Municipal Consultants was ineligible to enter into a CDBG-funded contract with the City of Modesto due to a “conflict of interest” issue; following the unforeseen ruling, staff contacted the members of CH&CDC by letter and informed them of a decision to move to the next firm on the short list of “Firms Selected as Potential Firms for CP and AI”;
and Cotton/Bridges/Associates was the second firm on the “short list” of selected firms and has excellent qualifications and references, and

WHEREAS, staff is recommending allocating $58,960 from Services, Professional & Other, to Cotton/Bridges/Associates to provide services to prepare the City of Modesto’s Five-Year Consolidated Plan (2005-2010) and Analysis of Impediments to Fair Housing Update, and

WHEREAS, funding is available from CDBG funds,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves an agreement with Cotton/Bridges/Associates to provide services to prepare the city of Modesto’s Five-Year Consolidated Plan (2005-2010) and Analysis of Impediments to Fair Housing Update at a cost of $58,960.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of January, 2005, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED AS TO FORM:

By: 
MICHAEL D. MILICH, City Attorney

Attest: JEAN ZAHR, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2005-032

A RESOLUTION AMENDING THE FISCAL YEAR 2004-2005 OPERATING BUDGET TO TRANSFER $10,000 FROM 1130-320-3252-0181, SALARY ADJUSTMENT, TO 1130-320-3252-0235, SERVICES, PROFESSIONAL & OTHERS.

WHEREAS, the U.S. Department of Housing and Urban Development (HUD) requires entitlement grantees to adopt a comprehensive, long-term plan for the expenditure of HUD funds (the Five-Year Consolidated Plan (CP)), and

WHEREAS, the CP analyzes the City’s housing and community development needs, with a priority focus on low- and moderate-income individuals, households, and neighborhoods, and describes long-term strategies for meeting those needs, and

WHEREAS, in addition to the development of a broad policy framework, the Consolidated Plan also addresses how the City will utilize funding from three different entitlement grants to meet those needs: the Community Development Block Grant (CDBG); the HOME Investment Partnership Grant (HOME); and the Emergency Shelter Grant (ESG), and

WHEREAS, in general, these funds must be used to revitalize low-income neighborhoods, and to assist disadvantaged populations by providing adequate public facilities and services, generating affordable housing opportunities and implementing effective strategies to reduce and end homelessness, and

WHEREAS, citizen participation is a key component of the consolidated planning process, and the federal regulations implementing the three entitlement grants require that the City provide ample opportunity and means for the populations served by the grants, as well as the general citizenry, to provide input to the goals and priorities that should be
reflected in the plan, as well as the specific types of activities that will be funded
development of its community, and

WHEREAS, HUD is committed to eliminating racial and ethnic segregation,
illegal physical and other barriers to persons with disabilities and other discriminatory
practices in housing, through the implementation of fair housing actions, and

WHEREAS, provisions to affirmatively further fair housing are principal and
long-standing components of HUD’s housing and community development programs,
and

WHEREAS, these provisions come from the mandate of Section 808(e)(5) of the
Fair Housing Act which requires the Secretary of HUD to administer the Department’s
housing and urban development programs in a manner to affirmatively further fair
housing, and

WHEREAS, HUD requires grantees to conduct an analysis to identify
impediments to fair housing choice within the jurisdiction, which should be done at least
every 5 years, and

WHEREAS, the City’s current Consolidated Plan was adopted in 2000 and the
last Analysis of Impediments to Fair Housing was completed in 1996, and

WHEREAS, both documents are currently due and should be completed before
the end of the 2004-2005 fiscal/program year, and

WHEREAS, staff is recommending allocating $58,960 from Services,
Professional & Other, to Cotton/Bridges/Associates to provide services to prepare the
City of Modesto’s Five-Year Consolidated Plan (2005-2010) and Analysis of
Impediments to Fair Housing Update, and
WHEREAS, funding is available from CDBG salary adjustment, and
WHEREAS, in order to make these funds available to Cotton/Bridges/Associates, $10,000 needs to be transferred into the Services, Professional & Others account,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves amending the FY 2004-2005 operating budget to transfer $10,000 from 1130-320-3252-0181, salary adjustment, to 1130-320-3252-0235, Services, Professional & Other to provide necessary funding for Cotton/Bridges/Associates to perform professional services relating to preparation of the City of Modesto's Five-Year Consolidated Plan (2005-2010) and Analysis of Impediments to Fair Housing Update.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of January, 2005, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: 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. 2005-033

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

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

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

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

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

SECTION 1. CLASSIFICATION AMENDED. The Position Classification Plan of the City of Modesto is hereby amended to revise the job specification for the following classification:

1. Firefighter/Firefighter Trainee

Said classification is being amended to revise the job specification to change the minimum age requirement.

SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after January 11, 2005.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of January, 2005, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: 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
CITY OF MODESTO

NO. 7215

AUGUST, 1999

JANUARY, 2005

FIREFIGHTER

FIREFIGHTER TRAINEE

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

DEFINITION

To respond to fire alarms, medical emergency and other calls to protect life and property; and to participate in fire prevention, training and station and equipment maintenance activities.

DISTINGUISHING CHARACTERISTICS

Firefighter Trainee - This is the entry level class in the Firefighter series. Employees at this level are not expected to perform with the same independence of direction and judgment on matters related to established procedures and guidelines as are positions allocated to the journey level. Since this class is typically used as a training class, employees may have only limited or no directly related fire suppression work experience. Employees work under general supervision while learning job tasks and are expected to be performing at the journey level within prescribed time frames.

Firefighter - This is the full journey level class within the professional Firefighter series. Employees within this class are distinguished from the Firefighter Trainee by the performance of the full range of duties as assigned. Employees at this level receive instruction or assistance as new or unusual situations arise and are fully aware of the operating procedures and policies within the work unit. Positions in this class are flexibly staffed and are normally filled by advancement from the Firefighter Trainee level.

SUPERVISION RECEIVED AND EXERCISED

Receives general supervision from higher level supervisory and management staff.

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

Essential Functions:

Respond to fire alarms with assigned company; lay and connect hose; maintain pumping apparatus; hold nozzles and direct water streams; raise and climb ladders.
Essential Functions: (Continued)

Operate all types of portable fire extinguishers, pike poles, hand lines, smoke ejectors, salvage covers, forcible entry tools, aerial ladder equipment, emergency medical equipment and other rescue equipment.

Provide basic life support while responding to emergency medical incidents, analyzing and initiating patient care until relieved by proper medical personnel.

Administer first aid; assist paramedics at medical emergencies; apply techniques for the control of bleeding; utilize immobilization techniques to stabilize patient.

Respond to hazardous materials incidents.

Participate in fire inspection activities and other fire prevention and public education activities as assigned; ensure that businesses are operating in compliance with the fire code; maintain appropriate records and files.

Monitor appropriate air traffic control frequencies and visually monitor the airfield during times that the FAA tower is closed but commercial flights are scheduled to either arrive or depart.

Inspect aircraft ramp and refueling operations at the airport.

Perform the airfield and runway inspections on weekends and holidays, as required.

Participate in the Fire Prevention Program providing various public relations services, including facility tours, High School Career Day, Neighborhood Watch programs and public education seminars.

Participate in fire drills; serve as drill instructor as assigned; attend training sessions, which include fire fighting techniques, emergency medical care, and the proper use of all equipment and related tools.

Clean apparatus and equipment and perform general custodial duties as required.

Assist in maintaining prefire plans; update maps as required.

Respond to public complaints regarding weed abatement and fire and safety hazards.

Issue bicycle licenses.
Marginal Functions:
Perform related duties as assigned.

QUALIFICATIONS

FIREFIGHTER TRAINEE

Ability to:

Learn to understand and act in accordance with departmental policies, rules, and instructions in the field of fire fighting.

Learn to apply fire fighting and medical techniques and procedures.

Demonstrate mechanical aptitude as required in the operation of fire fighting equipment.

Learn the layout of the City's water main system and street numbering system.

Retain presence of mind in emergency situations.

Think and act quickly and effectively in emergencies.

Understand and follow oral and written directions promptly and accurately.

Perform occasional heavy lifting up to 100 lbs. and physical maneuvering.

Perform general office and clerical duties in support of assigned activities.

Communicate effectively, both orally and in writing.

Shall pass all required oral, manipulative and written exams for Firefighter Trainee.

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

Work in communal environment that includes common sleeping, eating, and restroom facilities.

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

**Experience:**
None required.

**Training:**
Graduation from high school or possession of a G.E.D. certificate at the high school equivalency level.

**License or Certificate**
Possession of a current Cardiopulmonary Resuscitation (CPR) card.

Possession of a current State of California Emergency Medical Technician I (EMT) card is required at time of application. A course completion certificate is NOT adequate.

Possession of a California State Fire Marshal's Office Firefighter I Certificate OR graduation from a California State Fire Marshal's accredited Firefighter I academy OR the completion of 15 semester units of college coursework in Fire Science "major" courses.

Possession of an appropriate, valid California Driver's License.

**Additional Requirement:**
Must be a Minimum of 21 years of age minimum of age 20 by final filing date of recruitment and 21 years of age by hire date.

**FIREFIGHTER**

In addition to the qualifications for Firefighter Trainee:

**Knowledge of:**
Principles, practices, and procedures of modern firefighting.

Fire apparatus, equipment, tools, devices, facilities and their proper use.

Basic principles of hydraulics relating to fire equipment.

Safe driving practices.
Knowledge of: (Continued)

Advanced first aid, CPR and other medical assistance techniques.

Ability to:

Analyze fire and emergency situations and adopt effective courses of action.

Maintain and test fire sprinkler systems and fire hydrants.

Operate and maintain voice radio equipment.

Safely remove victims from buildings and automobiles.

Shall pass all required oral, manipulative and written exams for Firefighter.

Experience and Training Guidelines:

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

**Firefighter**

Experience

Successful completion of the City of Modesto Firefighter Program.

Training:

Graduation from high school or possession of a G.E.D. Certificate at the high school equivalency level.

License or Certificate:

Possession of a current Cardiopulmonary Resuscitation (CPR) card.

Possession of a current State of California Emergency Medical Technician (EMT) card is required at time of application. A course completion certificate is **NOT** adequate.
License or Certificate: (Continued)

Possession of a California State Fire Marshal’s Office Firefighter I certificate OR graduation from a California State Fire Marshal’s accredited Firefighter I academy OR completion of 15 semester units of college coursework in Fire Science “major” courses.

Possession of an appropriate, valid California Driver’s License.

Additional Requirement:

Must be a Minimum of 21 years of age minimum of age 20 by final filing date of recruitment and 21 years of age by hire date.

WORKING CONDITIONS:

Environmental Conditions:

Emergency response environment; exposure to hot and humid work environment making rapid transitions from rest to near maximal exertion without warm-up period.

Physical Conditions:

Essential and marginal functions may require maintaining physical condition necessary for bodily mobility to operate and crawl in restricted space; walk, stand, or sit for prolonged periods of time; operate motorized equipment and vehicles; and the ability to work in hot and humid environments while wearing firefighting equipment which may inhibit all necessary senses.
A RESOLUTION APPROVING A LEASE AGREEMENT WITH THE ARTHUR M. McELROY MARITAL TRUST FOR PROPERTY LOCATED AT 1124 F STREET, MODESTO, CALIFORNIA AND AUTHORIZING THE ACTING CITY MANAGER TO EXECUTE SAID LEASE AGREEMENT

WHEREAS, the City of Modesto leases the building at 1124 F Street, Modesto for the Police Department’s Evidence and Property Facility from the Arthur M. McElroy Marital Trust, and

WHEREAS, the last five-year lease expired on October 8, 2004, and the Police Department wants to renew as the facility is serving its purpose well, and

WHEREAS, the term of the new lease is also five years, from October 9, 2004 through October 8, 2009, and

WHEREAS, the lease payment will increase by six percent, from $27,072 annually to $28,740 annually, and

WHEREAS, Police staff considers this reasonable and funds are budgeted, and

WHEREAS, the Police Department must maintain a Property and Evidence Facility for its law enforcement duties and operations, and

WHEREAS, this facility at 1124 F Street, Modesto is adequate at present and for the near future,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto, that it hereby approves the lease agreement with the Arthur M. McElroy Marital Trust.

BE IT FURTHER RESOLVED that the Acting City Manager or his designee, is hereby authorized to execute said lease agreement.
The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 11th day of January, 2005, by Councilmember Jackman,
who moved its adoption, which motion being duly seconded by Councilmember Marsh,
was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

(Seal)

ATTEST: Jean Zahr
JEAN ZAHR City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich, City Attorney
WHEREAS, Article 10 of Chapter 2 of Title 3 of the Modesto Municipal Code authorizes the City Council, by resolution, to establish angle parking in the City of Modesto, and

WHEREAS, City staff received a request from Councilmember Denny Jackman to install angle parking on the east side of 10th Street between G and I Streets to create additional on-street parking, and

WHEREAS, staff evaluated the traffic volumes and the speeds for this section of roadway and concluded that angle parking can be accommodated on the east side of 10th Street between G and I Streets without creating a hazard and without impeding traffic flow, and

WHEREAS, the Economic Development Committee considered the additional angle parking on 10th Street at its December 13, 2004, meeting and supported staff’s recommendation,

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

SECTION 1. ANGLE PARKING. Angle parking in the City of Modesto is hereby established at the following locations:

- Portions of 10\textsuperscript{th} Street, between I & K Streets (west side) (diagonal)
- 18\textsuperscript{th} Street, between G and H Streets (west side) (diagonal)
- F Street, between 10\textsuperscript{th} and 11\textsuperscript{th} Streets (south side) (diagonal)
- I Street, between 9\textsuperscript{th} and 12\textsuperscript{th} Streets (both sides) (diagonal)
- P Street, between 9th and Needham Streets (both sides) (diagonal)
- Coldwell Avenue, between Tully Road and College Avenue
- 4th Street, between E Street and G Street (west side)
- 16th Street, between I Street and J Street (east side)
- Elm Street, between Jefferson and Washington Streets (diagonal)
- Jefferson Street, between 8th and Laurel Streets (diagonal)
- 13th Street, between H and L Streets (east side)
- J Street, between 7th Street and 8th Street (north side)
- 10th Street, between G Street and F Street (east side) (diagonal)
- F Street, between 10th Street and 11th Street (north side) (diagonal)
- 15th Street, between K Street and H Street (east side) (diagonal)
- F Street, between 9th Street and 10th Street (north side) (diagonal)
- 8th Street, between J Street and K Street (east side) (diagonal)
- 8th Street, between K Street and L Street (east side) (diagonal)
- Sierra Drive between F Street and 4th Street (north side)
- 8th Street between L Street and Jefferson Street (east side) (diagonal)
- M Street between 7th Street and 8th Street (south side) (diagonal)
- 10th Street between G Street and I Street (east side) (diagonal)

SECTION 2. The Public Works Director is hereby directed to implement the provisions of this resolution.

SECTION 3. Resolution No. 2004-642 is hereby rescinded.
The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 11th day of January, 2005, by Councilmember Jackman,
who moved its adoption, which motion being duly seconded by Councilmember Marsh,
was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: 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
MODESTO CITY COUNCIL
RESOLUTION NO. 2005-036

A RESOLUTION APPROVING A SECOND AMENDMENT TO THE LEASE AGREEMENT WITH MODESTO EXECUTIVE AIR CHARTER, DBA SKY TREK AVIATION, WHICH ALLOWS A SUSPENSION UNTIL DECEMBER 31, 2005 OF A 5% SUBLEASE FEE THAT SKY TREK AVIATION PAYS TO THE CITY ON GROSS RENTS RECEIVED, AND AUTHORIZING THE ACTING CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT ON BEHALF OF THE CITY

WHEREAS, Modesto Executive Air Charter, dba Sky Trek Aviation, is a tenant of the City at Modesto City-County Airport, and

WHEREAS, Sky Trek Aviation has a long-term ground lease that contains a clause requiring them to pay 5% of all rents received from its tenants to the City, and

WHEREAS, Sky Trek Aviation petitioned the City to suspend the 5% surcharge on gross rents in 2003 and City Council approved the suspension until May 31, 2004, and

WHEREAS, Sky Trek Aviation again petitioned the City on June 23, 2004 requesting another suspension of the 5% surcharge due to low occupancy of their facilities, and

WHEREAS, at their December 13, 2004 meeting the Economic Development Committee recommended Council approve Sky Trek’s request to suspend the 5% surcharge, and

WHEREAS, the Economic Development Committee further recommended the suspension be made retroactively from June 1, 2004 to December 31, 2005, and

WHEREAS, a new second amendment to the City lease agreement with Sky Trek Aviation has been prepared to provide for suspension of the 5% sublease fee until December 2005, and

WHEREAS, the City Attorney’s Office finds the terms of the second amendment acceptable,
NOW THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the second amendment lease agreement between the City of Modesto and Sky Trek Aviation, suspending the five (5) percent sublease fee retroactively from June 1, 2004, to December 31, 2005.

BE IT FURTHER RESOLVED that the Acting City Manager, or his authorized designee, is hereby authorized to execute the amendment 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 11th day of January, 2005, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JEAN ZAHN, Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2005-037

A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS CONSISTENT WITH THE SCOPE OF THE VILLAGE ONE PROGRAM ENVIRONMENTAL IMPACT REPORT (SCH NO. 90020181), AS AMENDED BY THE SUPPLEMENTAL EIR AND WITH ADDENDA FOR THE VILLAGE ONE STORM DRAINAGE MASTER PLAN UPDATE AND THE FACILITIES MASTER PLAN UPDATE: FREEDOM NEIGHBORHOOD PARK.

WHEREAS, on September 11, 1990, the Modesto City Council adopted Resolution No. 90-757 certifying that the Village One Specific Plan Program Environmental Impact Report ("EIR") (State Clearing House No. 90020181) was complete and adequate pursuant to Section 15090 of the California Environmental Quality Act ("CEQA") Guidelines, and

WHEREAS, the Modesto City Council adopted Resolution No. 94-297 which certified the Final Supplemental EIR for Village One; thus, the 1990 Village One Program EIR has been superseded and updated by the 1994 Supplemental EIR, adopted on May 24, 1994, which Supplemental EIR incorporates by reference technical studies and background material from the 1990 Program EIR, and

WHEREAS, the development of the utility infrastructure for the Village One Specific Plan area is contemplated by, and acknowledged within, the Village One EIR, as amended by the Supplemental EIR, and

WHEREAS, on May 6, 2003, the City Council adopted Resolution No. 2003-223 which adopted an Addendum to Village One Specific Plan Program Environmental Impact Report for the Village One Facilities Master Plan Update – May 2003 ("VI FMP"), and
WHEREAS, on December 7, 2004, the City Council adopted Resolution No. 2004-646 finding that the potential environmental effects of Amendment #1 to the Village One Facilities Master Plan Update (May 2003) have been adequately addressed by the previously certified Village One Specific Plan Program EIR as modified by the 1994 Final Supplemental EIR (SCH No. 90020181), with Addendums for the Village One Storm Drainage Master Plan Update (EA/CM 2003-02) and the Village One Facilities Master Plan Update (EA/CM 2003-03), and

WHEREAS on January 11, 2005, the City Council by Resolution No. 2005-038 approved the Freedom Neighborhood Park project, which includes: adoption of the Master Plan and Design Development Report, and

WHEREAS, in connection with that approval, City staff prepared a Written Checklist, Environmental Assessment No. EA/PR&N 2003-05, ("Checklist"), which concluded that the proposed project is within the scope of the Village One Program EIR (SCH No. 90020181), as amended by the Village One Supplemental EIR, and

WHEREAS, in accordance with the CEQA guidelines, the City has caused to be published a 10-day notice of the City’s intent to make a finding of conformance with the Checklist and the Village One Program EIR as amended by the Supplemental EIR, on December 23, 2004, and

WHEREAS, this matter was considered by the City Council at a duly noticed meeting at 5:30 p.m., on January 11, 2005, in the Tenth Street Place Chambers located at 1010 10th Street, Modesto, California,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered the Village One Program EIR as amended
by the Supplemental EIR (SCH No. 90020181), the Addenda for the Village One Storm Drainage Master Plan Update (EA/CM 2003-02), the Facilities Master Plan Update (EA/CM 2003-03), and Environmental Assessment No. EA/ PR&N 2003-05, entitled “Freedom Neighborhood Park”, for the proposed project, and the Council hereby makes the following findings:

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

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

C. No new information of substantial importance that was not known has become available that shows:

a. one or more significant effects is not discussed in the Village One Program EIR as amended by the 1994 Final Supplemental EIR, with Addenda for the Village One Storm Drainage Master Plan Update and the Village One Facilities Master Plan Update,

b. identified significant effects will be more severe,

c. previously infeasible mitigation measures are now feasible,

d. project proponents have declined to adopt mitigation measures that would substantially reduce significant effects.

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

F. This Written Checklist provides substantial evidence to support findings A, B, C, D and E above.

A copy of said Environmental Assessment No. EA/PR&N 2003-05, entitled “Freedom Neighborhood Park”, is on file and available in the City Clerk’s Office.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of January, 2005, by Councilmember Marsh, 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 ZAHN, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2005-038

A RESOLUTION APPROVING THE DESIGN DEVELOPMENT REPORT AND MASTER PLAN INCLUDED THEREIN FOR FREEDOM NEIGHBORHOOD PARK.

WHEREAS, the City of Modesto currently owns the approximately 7-acre Freedom Neighborhood Park site immediately to the south of Sharon Avenue and west of the Freedom Elementary School Site on the corner of Sharon Avenue and Fine Avenue, and

WHEREAS, Callander Associates Landscape Architecture, Inc. has provided the Design Development Report and Master Plan included therein for Freedom Neighborhood Park, and

WHEREAS, prior to adopting the Design Development Report, the California Environmental Quality Act (CEQA) requires that the City of Modesto consider the environmental consequences of the proposed project, and

WHEREAS, on November 1, 2004, the Safety and Communities Committee recommended approval of the Freedom Neighborhood Park, and

WHEREAS, by an agenda report dated December 16, 2004, from the Parks, Recreation and Neighborhoods Director, staff recommended to the Council approving the Freedom Neighborhood Park Design Development Report, a copy of said report is on file in the office of the City Clerk, and

WHEREAS, the Freedom Neighborhood Park Design Development Report dated October 15, 2004, is within the scope of the Village One Specific Plan Program Environmental Impact Report as supplemented (SCH #90020181) and with Addenda for
the Village One Storm Drainage Master Plan Update (EA/CM 2003-02) and the Village One Facilities Master Plan Update (EA/CM 2003-03), and

WHEREAS, on January 11, 2005, concurrent with this resolution, the Modesto City Council adopted Resolution No. 2005-037 finding that development and construction of the Freedom Neighborhood Park is in conformance with the the Village One Specific Plan Program Environmental Impact Report as supplemented (SCH #90020181) and with Addenda for the Village One Storm Drainage Master Plan Update (EA/CM 2003-02) and the Village One Facilities Master Plan Update (EA/CM 2003-03),

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby finds that the Freedom Neighborhood Park Design Development Report is complete and adequate, and it hereby approves the Freedom Neighborhood Park Design Development Report, and Master Plan included therein, a copy of which is on file in the office of the City Clerk.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of January, 2005, by Councilmember Marsh, 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

APPROVED AS TO FORM:

Attest:  
JEAN ZAHR, City Clerk

By:  
MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2005-039

A RESOLUTION APPROVING AN AMENDMENT TO THE AGREEMENT
WITH CALLANDER ASSOCIATES LANDSCAPE ARCHITECTURE, INC. TO
INCLUDE PROFESSIONAL SERVICES TO PREPARE CONSTRUCTION
DOCUMENTS FOR ROAD UMPROVEMENTS ADJACENT TO FREEDOM
NEIGHBORHOOD PARK FOR AN ADDITIONAL AMOUNT NOT TO EXCEED
$41,320.00, AND AUTHORIZING THE ACTING CITY MANAGER TO
EXECUTE THE AMENDMENT TO AGREEMENT.

WHEREAS, the City of Modesto currently owns the approximately 7-acre
Freedom Neighborhood Park site immediately to the south of Sharon Avenue and west of
the Freedom Elementary School Site on the corner of Sharon Avenue and Fine Avenue,
and

WHEREAS, on March 4, 2003, by Resolution No. 2003-118, the City Council
approved an agreement with Callander Associates Landscape Architecture, Inc. to
provide the Design Development Report and Master Plan included therein for Freedom
Neighborhood Park for a total contract amount not to exceed $97,020.00, and

WHEREAS, during the master planning phase of this project, it was determined
that construction documentation for the adjacent road improvements would be needed to
complete the park construction documentation, and

WHEREAS, it was deemed most cost effective to amend the contract for
Callander Associates Landscape Architecture, Inc. to include this additional construction
documentation, and

WHEREAS, Callander Associates Landscape Architecture, Inc. has agreed to
provide the additional Construction Documents for the adjacent road improvements at a
cost not to exceed $41,320.00,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that the Council hereby approves an Amendment to the Agreement with Callander
Associates Landscape Architecture, Inc. to provide the additional Construction Documents for the adjacent road improvements at a cost not to exceed $41,320.00.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of January, 2005, by Councilmember Marsh, 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 Zahr, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2005-040

A RESOLUTION APPOINTING WILLIE Mc DANIEL
TO THE BOARD OF ZONING ADJUSTMENT

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 January 13, 2005, and
recommended its approval to appoint WILLIE Mc DANIEL to the Board of Zoning Adjustment.

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

SECTION 1. WILLIE Mc DANIEL is hereby appointed to the Board of Zoning
Adjustment with a term expiration of January 1, 2009.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to
the newly appointed member of the Board of Zoning Adjustment, and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City
of Modesto held on the 25th day of January, 2005, by Councilmember Hawn, who moved its
adoption, which motion being duly seconded by Councilmember Keating, was upon roll call
carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, 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 AMANDA EVANS AND JOHN HUEY 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 January 13, 2005, and recommended appointment of AMANDA EVANS and JOHN HUEY 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. AMANDA EVANS, with a term expiration of January 1, 2006, and JOHN HUEY, with a term expiration of January 1, 2007, are hereby appointed to the Citizens Advisory Committee on Recycling.

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 25th day of January, 2005, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahn, City Clerk

APPROVED AS TO FORM:

Michael D. Milich, City Attorney

012505/CMO/Epuckett/Item 02 1 2005-040
MODESTO CITY COUNCIL  
RESOLUTION NO. 2005-043  

A RESOLUTION APPOINTING JOHN HUFFMAN AND CHRIS MURPHY TO THE  
LOCAL CABLE PROGRAMMING 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 January 13, 2005, and recommended appointment of JOHN HUFFMAN and CHRIS MURPHY to the Local Cable Programming Committee.  
NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto as follows:  
SECTION 1. JOHN HUFFMAN and CHRIS MURPHY, are hereby appointed to the Local Cable Programming Committee.  
SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed members of the Local Cable Programming 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 25th day of January, 2005, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:  

AYES: Councilmembers: Dunbar, Hawn, 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. 2005-042

A RESOLUTION APPOINTING ALICE INGHAM RICHARDS
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 January 13, 2005, and recommended appointment of ALICE INGHAM RICHARDS to the Culture Commission.

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

SECTION 1. ALICE INGHAM RICHARDS is hereby appointed to the Culture Commission with a term expiration of January 1, 2009.

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 25th day of January, 2005, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr

JEAN ZAHN, City Clerk

APPROVED AS TO FORM:

Michael D. Milich, City Attorney

012505/CMO/Epuckett/Item 02  1  2005-040
A RESOLUTION APPROVING AN AMENDMENT TO THE CONTRACT FOR CONSULTANT SERVICES WITH MAZE & ASSOCIATES FOR ADDITIONAL WORK AT A COST NOT TO EXCEED $8,295, AND AUTHORIZING THE ACTING CITY MANAGER TO EXECUTE THE CONTRACT AMENDMENT.

WHEREAS, at its April 6, 2004, meeting the Modesto City Council adopted Resolution 2004-171 approving execution of a contract with Maze & Associates to perform additional, non-audit services for the City, and

WHEREAS, the City Manager executed said contract on behalf of the City of Modesto, and

WHEREAS, the City requested Maze & Associates to perform additional work in addition to the originally contracted work, the Annual Report of Financial Transactions required by the State Controller, at a price not to exceed $8,295, and

WHEREAS, this additional work increases the total contract price to an amount not to exceed $86,495, and

WHEREAS, the contract for these audit services requires Modesto City Council approval for such additional work, and

WHEREAS, at its January 6, 2005, meeting the Audit Committee recommended that the Council approve payment for the additional work,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an amendment to the Agreement for Consultant Services with Maze & Associates, authorizing the additional work proposed, at a cost not to exceed $8,295.

BE IT FURTHER RESOLVED that the Acting City Manager, or his designee, is hereby authorized to execute said contract amendment.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of January, 2005, 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

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
A RESOLUTION APPROVING AN AGREEMENT BETWEEN CITY OF MODESTO COMMUNITY FACILITIES DISTRICT NO. 2004-1 AND MERITAGE HOMES OF CALIFORNIA, INCORPORATED FOR IMPROVEMENTS TO THE INTERSECTION OF OAKDALE & ROAD G AND IMPROVEMENTS ON OAKDALE (FROM FLOYD AVENUE TO LA FORCE DRIVE) AND FINDING THAT THE POTENTIAL ENVIRONMENTAL EFFECTS OF THIS AGREEMENT HAVE BEEN ADEQUATELY ADDRESSED BY THE PREVIOUSLY CERTIFIED VILLAGE ONE SPECIFIC PLAN PROGRAM EIR AS MODIFIED BY THE 1994 FINAL SUPPLEMENTAL EIR (SCH No. 90020181), WITH ADDENDUMS FOR KODIAK VILLAGE VESTING TENTATIVE SUBDIVISION MAP (EA/C&ED NO. 2003-92) AND FOR KODIAK VILLAGE II VESTING TENTATIVE SUBDIVISION MAP (EA/C&ED NO. 2004-22)

WHEREAS, the City of Modesto desires to complete the core infrastructure needed to serve the Village One area, and

WHEREAS, Meritage Homes of California, Incorporated ("Developer") has agreed to install certain improvements to the intersection of Oakdale & Road G and to Oakdale (from Floyd Avenue to La Force Drive), and

WHEREAS, the City Council has considered the proposed Acquisition & Shortfall Agreement ("agreement") between City of Modesto Community Facilities District No. 2004-1 and Developer, and

WHEREAS, said agreement shall have a maximum reimbursement amount of $282,755, and

WHEREAS, the City Council has received and considered the Initial Studies, Environmental Assessment EA/C&ED Nos. 2003-92 & 2004-22, which conclude that Developer’s projects entitled Kodiak Village Vesting Tentative Subdivision Map and Kodiak Village II Vesting Tentative Subdivision Map, including the improvements for
which the Developer will be reimbursed under the proposed agreement, is within the scope of the previously certified Village One Specific Plan Program EIR as modified by the 1994 Final Supplemental EIR (SCH No. 90020181), with Addendums for Kodiak Village Vesting Tentative Subdivision Map (EA/C&ED No. 2003-92) and for Kodiak Village II Vesting Tentative Subdivision Map (EA/C&ED No. 2004-22), and that, pursuant to Sections 15168(c) and 15182 of the CEQA Guidelines, no new environmental review is required.

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

1. The proposed Acquisition and Shortfall Agreement between City of Modesto Community Facilities District No. 2004-1 and Meritage Homes of California, Incorporated ("Project") is consistent with the Village One Specific Plan and the Modesto Urban Area General Plan.

2. As per Sections 15168(c) and 15182 of the California Environmental Quality Act ("CEQA") Guidelines, this Project is within the scope of the projects covered by the Village One Program EIR, as amended by the 1994 Supplemental EIR and the 2003 Addendum to the EIR ("Program EIR") and no new environmental document or findings are required by CEQA.

3. There are no substantial changes proposed in the Project which result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects and, therefore, no major revisions to the Program EIR, are required.
4. No substantial changes have occurred with respect to the circumstances under which the Project is undertaken which will result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects and therefore, no major revisions to the Program EIR, are required.

5. There is no new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence when the Program EIR, was adopted which shows any of the following:

   a. one or more significant effects which is not discussed in the Program EIR; or,
   b. significant effects which were previously examined will be substantially more severe than previously shown; or,
   c. previously infeasible mitigation measures or alternatives are now feasible and would substantially reduce one or more significant effects of the project, but the Project proponents decline to adopt the mitigation measure or alternative; or,
   d. mitigation measures or alternatives which are considerably different from those analyzed in the Program EIR would substantially reduce one or more significant effects on the environment, but the Project proponents decline to adopt the mitigation measure or alternative.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of January 2005, 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
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2005-046

A RESOLUTION APPROVING AN AGREEMENT BETWEEN CITY OF
MODESTO COMMUNITY FACILITIES DISTRICT NO. 2004-1 AND SCC-
CANYON II, A DELAWARE LIMITED LIABILITY CORPORATION FOR
APPROXIMATELY .13 ACRES ON OAKDALE ROAD AT LA FORCE DRIVE
AND APPROXIMATELY .67 ACRES ON OAKDALE ROAD (BETWEEN
FLOYD AVENUE AND LA FORCE DRIVE) AND FINDING THAT THE
POTENTIAL ENVIRONMENTAL EFFECTS OF THIS AGREEMENT HAVE
BEEN ADQUATELY ADDRESSED BY THE PREVIOUSLY CERTIFIED
VILLAGE ONE SPECIFIC PLAN PROGRAM EIR AS MODIFIED BY THE 1994
FINAL SUPPLEMENTAL EIR (SCH No. 90020181), WITH ADDENDUMS FOR
KODIAK VILLAGE VESTING TENTATIVE SUBDIVISION MAP (EA/C&ED
NO. 2003-92) AND FOR KODIAK VILLAGE II VESTING TENTATIVE
SUBDIVISION MAP (EA/C&ED NO. 2004-22)

WHEREAS, the City of Modesto desires to complete the core infrastructure
needed to serve the Village One area, and

WHEREAS, SCC-Canyon III, a Delaware Limited Liability Corporation
(“Developer”) has agreed to sell approximately .13 acres on Oakdale Road at La Force
Drive and approximately .67 acres on Oakdale Road (between Floyd Avenue and La
Force Drive) to the City of Modesto so that certain improvements to the intersection of
Oakdale & Road G and to Oakdale Road (from Floyd Avenue to La Force Drive) can
occur, and

WHEREAS, the City Council has considered the proposed Right Of Way
Acquisition Agreement (“agreement”) between City of Modesto Community Facilities
District No. 2004-1 and Developer, and

WHEREAS, said agreement shall have a maximum reimbursement amount of
$280,000, and
WHEREAS, the City Council has received and considered the Initial Studies, Environmental Assessment EA/C&ED Nos. 2003-92 & 2004-22, which conclude that Developer's projects entitled Kodiak Village Vesting Tentative Subdivision Map and Kodiak Village II Vesting Tentative Subdivision Map, including the right of way for which the Developer will be reimbursed under the proposed agreement, is within the scope of the previously certified Village One Specific Plan Program EIR as modified by the 1994 Final Supplemental EIR (SCH No. 90020181), with Addendums for Kodiak Village Vesting Tentative Subdivision Map (EA/C&ED No. 2003-92) and for Kodiak Village II Vesting Tentative Subdivision Map (EA/C&ED No. 2004-22), and that, pursuant to Sections 15168(c) and 15182 of the CEQA Guidelines, no new environmental review is required.

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

1. The proposed Acquisition and Shortfall Agreement between City of Modesto Community Facilities District No. 2004-1 and Meritage Homes of California, Incorporated ("Project") is consistent with the Village One Specific Plan and the Modesto Urban Area General Plan.

2. As per Sections 15168(c) and 15182 of the California Environmental Quality Act ("CEQA") Guidelines, this Project is within the scope of the projects covered by the Village One Program EIR, as amended by the 1994 Supplemental EIR and the 2003 Addendum to the EIR ("Program EIR") and no new environmental document or findings are required by CEQA.
3. There are no substantial changes proposed in the Project which result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects and, therefore, no major revisions to the Program EIR, are required.

4. No substantial changes have occurred with respect to the circumstances under which the Project is undertaken which will result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects and therefore, no major revisions to the Program EIR, are required.

5. There is no new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence when the Program EIR, was adopted which shows any of the following:
   a. one or more significant effects which is not discussed in the Program EIR; or,
   b. significant effects which were previously examined will be substantially more severe than previously shown; or,
   c. previously infeasible mitigation measures or alternatives are now feasible and would substantially reduce one or more significant effects of the project, but the Project proponents decline to adopt the mitigation measure or alternative; or,
   d. mitigation measures or alternatives which are considerably different from those analyzed in the Program EIR would substantially reduce one or more significant effects on the environment, but the Project proponents decline to adopt the mitigation measure or alternative.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of January 2005, 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 FORM:

By: Michael D. Milich, City Attorney
A RESOLUTION AMENDING THE FISCAL YEAR 2004-2005 ANNUAL BUDGET

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that appropriations, revenues, and transfers for the 2004-2005 budget have been adjusted as shown in Schedule A.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of January 2005, 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 FORM:

By: MIKE MILICH, City Attorney

01/25/05/Finance/G Bailey/Item 06

1

2005-047
REQUEST FOR BUDGET ADJUSTMENT

Contact Person: Tracie Madison  
Telephone No.: Finance  
Department: Wastewater

Fund Title:  

Council Action Date:  
Resolution Number:  
FY: 04-05  
Transfer No.: RolloverFY05

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

DEPARTMENTAL REVENUES

FROM

TO

APPROPRIATIONS

FROM  
MY-6210-440-K653-6010  
K653  
($44,290)  
($44,290)  
Scenic Lift Station

TO  
MY-6210-430-B491-6010  
B491  
$100,000  
$44,290  
$144,290  
Scenic Lift Station

COMMENTS/JUSTIFICATION

Beginning FY rollover to another CIP for the same project

AUTHORIZATION (check if required)  
SIGNATURE  
DATE

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

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

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

Contact Person: Dolly Haskell
Telephone No.: 2-2202
Department: Public Works
Fund Title: Water Fund

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

<table>
<thead>
<tr>
<th>Fund-Agency-Organization</th>
<th>Appr Unit</th>
<th>Current Budget</th>
<th>Increase/Decrease</th>
<th>Revised Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

DEPARTMENTAL REVENUES
FROM
TO

APPROPRIATIONS
FROM
MY-6180-480-W616-6040 W428 $124,108 ($117,891) $6,217 Outlying Strengthen and Replace
MY-6180-480-W428-6052 W428 $152,137 ($117,891) $34,246 Strengthen and Replace Primary
MY-6180-480-W430-6052 W430 $1,229,448 ($117,891) $1,111,557 Wellhead Treatment
TO
MY-6180-480-W428-6052 W428 $34,246 $117,891 $152,137 Strengthen and Replace Primary
MY-6180-480-W430-6052 W430 $1,111,557 $117,891 $1,229,448 Wellhead Treatment
MY-6180-480-W612-6040 W430 $711,457 $117,891 $829,348 GACs

COMMENTS/JUSTIFICATION
This budget adjustment is to move the contract for Wellhead Treatment and its budget to the appropriation CIP designated for the Wellhead Treatment.

AUTHORIZATION (check if required)

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

<table>
<thead>
<tr>
<th>FINANCE DIRECTOR</th>
</tr>
</thead>
<tbody>
<tr>
<td>(Transfers to/from Internal Service Charges)</td>
</tr>
<tr>
<td>(All items requiring City Manager's Approval)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>CITY MANAGER</th>
</tr>
</thead>
<tbody>
<tr>
<td>(Transfers between Budgeted Activities of Departments within Funds)</td>
</tr>
<tr>
<td>(Appropriation of Unbudgeted Dept Revenues)</td>
</tr>
<tr>
<td>(Salary lines movement in or out)</td>
</tr>
</tbody>
</table>

SIGNATURE

DATE
REQUEST FOR BUDGET ADJUSTMENT

Contact Person: Tracie Madison/Debra Eggerman
Telephone No.: CIP for all Depts
Department: CIF for all Depts
Project Title: Tully/Woodrow
Fund Title: Attachment A-2

DEPARTMENTAL REVENUES

FROM

TO

APPROPRIATIONS

FROM

2300-160-M144-6051  M144C  34,010  (34,010)  Contingency-Finance Reserve
2370-800-8000-8003  2370R  34,010  (34,010)  Contingency-Finance Reserve

TO

2370-160-E697-6051  E697  (34,010)  34,010  Contingency-Finance Reserve
2300-160-M144-6040  M144C  100,774  34,010  134,784  Contingency-Finance Reserve

TRANSFERS BETWEEN FUNDS

FROM

TO

NOTES

Previously, Traffic staff requested that the funding for Account 2300-160-M144 be reduced by approximately $400,000 with the intent to end up with an account balance of $200,000. As a result, $400,000 in funding was moved to reserves. Traffic staff thought an existing project under construction was complete; however, the project was still under construction, and now requires some additional funding. This transfer to M144 from reserves will satisfy all the needs of Account 2300-160-M144 for fiscal year 04-05.

AUTHORIZATION (check if required)  SIGNATURE  DATE

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

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

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

Contact Person: Tracie Madison
Telephone No.: 1-5855
Department: Finance
Fund Title: Capital Grants Fund (2300)

<table>
<thead>
<tr>
<th>Fund-Agency-Org-Object</th>
<th>Appr Unit</th>
<th>Current Budget</th>
<th>Increase/Decrease</th>
<th>Revised Budget</th>
<th>Description of Object</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>DEPARTMENTAL REVENUES</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>MY-2300-160-N498-3135</td>
<td></td>
<td>$31,000</td>
<td>($31,000)</td>
<td></td>
<td>State Match RSTP/CMAQ</td>
</tr>
<tr>
<td>TO</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>APPROPRIATIONS</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>05-1410-800-8000-8003</td>
<td>1410R</td>
<td>($4,806,468)</td>
<td>($64,229)</td>
<td>($4,870,697)</td>
<td>Gas Tax Contingency Reserves</td>
</tr>
<tr>
<td>TO</td>
<td>2300R</td>
<td>$84,103</td>
<td>$33,229</td>
<td>$117,332</td>
<td>Capital Grant Contingency Reserves</td>
</tr>
<tr>
<td><strong>TRANSFERS BETWEEN FUNDS</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>MY-1410-700-N498-7230</td>
<td>N498G</td>
<td>$31,888</td>
<td>$64,229</td>
<td>$96,117</td>
<td>Transfer to Two New Traffic Sigs</td>
</tr>
<tr>
<td>TO</td>
<td>MY-2300-700-N498-9141</td>
<td>$31,888</td>
<td>$64,229</td>
<td>$96,117</td>
<td>Transfer to Operating CCTV 2Yr</td>
</tr>
</tbody>
</table>

COMMENTS/JUSTIFICATION
During Phase II of the CIP clean-up it was discovered that the funding source allocations were incorrect. This adjustment will allow the budget to match what is being billed by the project N498 Two New Traffic Signals

**AUTHORIZATION (check if required)**

<table>
<thead>
<tr>
<th>DEPARTMENT DIRECTOR or AUTHORIZED ASSISTANT</th>
<th>SIGNATURE</th>
<th>DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>FINANCE DIRECTOR</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(Transfers to/from Internal Service Charges)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(All items requiring City Manager's Approval)</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>CITY MANAGER</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(Transfers between Budgeted Activities of Departments within Funds)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(Appropriation of Unbudgeted Dept Revenues)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(Transfers into Personnel Services)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
REQUEST FOR BUDGET ADJUSTMENT

Contact Person: Tina Rocha
Telephone No.: Ext. 75321
Department: Office of the City Manager
Fund Title: CFD No. 2004-1 (Village One #2)
Council Action Date: N/A
Resolution Number: N/A
FY: 04-05

<table>
<thead>
<tr>
<th>Fund-Agcy-Obj-Object</th>
<th>Appr Unit</th>
<th>Current Budget</th>
<th>Increase/ (Decrease)</th>
<th>Revised Budget</th>
<th>Description of Object</th>
</tr>
</thead>
<tbody>
<tr>
<td>FROM</td>
<td>n/a</td>
<td>($30,000)</td>
<td>($30,000)</td>
<td>Village One CFD #2</td>
<td></td>
</tr>
<tr>
<td>2690-800-8000-8206</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TO</td>
<td>0100R</td>
<td>$30,000</td>
<td>$30,000</td>
<td>General Fund Reserve</td>
<td></td>
</tr>
<tr>
<td>0100-800-8000-8003</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

| FROM                 | n/a       | $ -            | $30,000.00           | $30,000.00    | Transfer out to General Fund |
| 2690-701-7001-7010   |           |                |                      |               |
| TO                   | n/a       | $ -            | $30,000.00           | $30,000.00    | Transfer in from Fund 2690 |
| 0100-701-7001-9269   |           |                |                      |               |

| TOTAL                |           | $30,000        | $30,000              |               |
|                      |           |                |                      |               |

COMMENTS/JUSTIFICATION

Partial reimbursement ($30,000) of the $35,000 loan made from the General Fund to Fund 2690 (Ordinance No. 3319-C.S.) The balance of the loan ($5,000) as well as all interest associated with the loan will be paid after the bond issue which is anticipated to occur in Spring 2005.

AUTHORIZATION (check if required) SIGNATURE DATE

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

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

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

12/21/2004

Budget Office Form (Oct 2001) go.
REQUEST FOR BUDGET ADJUSTMENT

Contact Person: ___________________________ Council Action Date: na
Telephone No.: ___________________________ Resolution Number: ___________________________
Department: ___________________________
Fund Title: ___________________________

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

**Transfers**

**Transfers In**

**Transfers Out**

**APPROPRIATIONS**

**FROM**

| 1300-800-8000-8003 | 1300R | ($450,000) | | |

**TO**

| 1300-190-M168-6040 | M168 | $1,221,430 | $450,000 | $1,671,430 |

**COMMENTS/JUSTIFICATION**

This CIP adjustment moves the $450k spending scheduled for FY 05-06 into FY 04-05. This adjustment is necessary to meet current construction plans. The Police Department presented FY 04-05 construction projects in the current year but the projects were inadvertently recorded in the FY 05-06 CIP document.

The project (M168) is the Training facility on West Main, near the City's remote pond site on Jennings Road. The additional $450,000 is to build a range house and restrooms at the site. The project will eventually consist of a firing range, classrooms, canine & equestrian training facilities, and a driver's training or EVOC course. This site will improve PD training and eliminate traveling to other jurisdictions for adequate training facilities.

**AUTHORIZATION (check if required)**

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

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

Budget Office Form (Oct 2001)
RESOLUTION APPROVING A 60-DAY EXTENSION OF COMCAST'S OBLIGATION TO DEMONSTRATE SUBSTANTIAL COMPLIANCE WITH THE REQUIRED OUTSIDE PLANT SAFETY CODES.

WHEREAS, in May 2004, the City of Modesto and Comcast Cable entered into a settlement agreement for the completion of the upgrade to the City’s cable system and,

WHEREAS, this agreement required that the cable system be upgraded to 750mHz by July 01, 2004, and that GO95/GO128 compliance be established by no later than 31 January 2005, and

WHEREAS, on 11 January 2005, Comcast notified the City that they would need additional time in order to successfully complete the GO95/GO128 compliance requirement, and

WHEREAS, in their written notification Comcast requested an extension of the GO95/GO128 deadline from 31 January 2005 to 31 March 2005, and

WHEREAS, in view of the over-riding concern that the City has for the public safety issues that are involved and the fact that Comcast has shown significant progress in their efforts to conform to GO95/GO128 code requirements, and

WHEREAS, Comcast acknowledges that any further delays to the completion of this work will represent an ongoing hazard to the public and will require the harshest response from the City, including the assessment of penalties, fines, and any other legal action deemed necessary, and that the City will provide no additional time to cure past the 31 March extension date.
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a 60-day extension be granted.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of January 2005, 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 AFFIRMING THE COMMITMENT OF THE CITY OF MODESTO TO SUPPORT THE CONTINUED OPERATION AND MAINTENANCE OF THE GATEWAY PARCEL OF THE TUOLUMNE RIVER REGIONAL PARK (TRRP), SHOULD THE TRRP JOINT POWERS AUTHORITY (JPA) DISSOLVE, AS A PUBLIC ACCESS FACILITY FOR USE BY THE CITIZENS OF STANISLAUS COUNTY AND THE GENERAL PUBLIC FOR A PERIOD OF TIME ENDING NO LATER THAN DECEMBER 31, 2030, OR 25 YEARS FROM ISSUANCE OF A STATE OF CALIFORNIA CLEAN WATER, CLEAN AIR, SAFE NEIGHBORHOOD PARKS AND COASTAL PROTECTION BOND ACT OF 2002 (PROPOSITION 40) GRANT, WHICHEVER PROVIDES FOR THE LATER DATE, AS RECOMMENDED BY THE TUOLUMNE RIVER REGIONAL PARK JPA COMMISSION.

WHEREAS, the State of California Clean Water, Clean Air, Safe Neighborhood Parks and Coastal Protection Bond Act of 2002 (Proposition 40) provides for a line item grant in the amount of $1,140,000 for the Tuolumne River Regional Park – Gateway Parcel Development, and

WHEREAS, a special provision of the grant is to provide evidence satisfactory to the State that the project will be operated and maintained as public open space for a minimum of twenty-five (25) years, and

WHEREAS, the Tuolumne River Regional Park (TRRP) is operated under a Joint Powers Authority (JPA) comprised of the County of Stanislaus, the City of Modesto and the City of Ceres, and

WHEREAS, the intent of the JPA is to operate and maintain the Tuolumne River Regional Park as a public access facility for use by the citizens of Stanislaus County and the general public, and
WHEREAS, the JPA desires to maintain and operate the area known as the Gateway Parcel as a public access facility for use by the citizens of Stanislaus County and the general public, and

WHEREAS, in the event that the JPA desires to dissolve, the area known as the Gateway Parcel will revert back to the City of Modesto to be cared for in a similar manner per the provisions of Paragraph 2 and Paragraph 18 of the JPA agreement dated February 28, 1978, and

WHEREAS, in order to receive the aforementioned funding from the State of California Clean Water, Clean Air, Safe Neighborhood Parks and Coastal Protection Bond Act of 2002 (Proposition 40), the City of Modesto must affirm its commitment to continue to maintain the Gateway Parcel as public open space for a period not less than twenty-five (25) years from issuance of grant funds,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby affirms the commitment of the City of Modesto to support the continued operation and maintenance of the Gateway Parcel of the Tuolumne River Regional Park, should the TRRP JPA dissolve, as a public access facility for use by the citizens of Stanislaus County and the general public for a period of time ending no later than December 31, 2030, or 25 years from issuance of a State of California Clean Water, Clean Air, Safe Neighborhood Parks and Coastal Protection Bond Act of 2002 (Proposition 40) grant, whichever provides for the later date, as recommended by the Tuolumne River Regional Park JPA Commission.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of January 2005, 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:

By: Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2005-050

A RESOLUTION SELECTING BEALS ALLIANCE, CALLANDER ASSOCIATES INC., THE HLA GROUP, O’DELL ENGINEERING, ROYSTON HANAMOTO ALLEY & ABK, AND STANTEC CONSULTING INC. TO PROVIDE LANDSCAPE ARCHITECTURAL AND RELATED SERVICES TO THE CITY FOR A PERIOD OF THREE (3) YEARS (MAXIMUM CONTRACT AMOUNT NOT TO EXCEED $300,000 PER PROJECT AGREEMENT).

WHEREAS, the City proposes to develop a short-list of on-call landscape architectural service providers, to be used on a rotating, on-call basis, to prepare master plans, design development reports, construction documents and other related work, and

WHEREAS, the landscape architectural consultants will be used on an on-call basis as the need arises and the list will be in place for three years, and

WHEREAS, this On-Call list will then be updated every three years, and

WHEREAS, the purpose of the short list is to assist the City in preparing master plans, design development reports, construction documents and other related work; to streamline the development process; and to maintain a close working relationship with the short-list of firms, on an ongoing basis to further standardize and improve the City’s master planning and construction documentation processes, leading to further project streamlining, and

WHEREAS, to begin the Service Provider Selection process, the City issued a Request for Qualifications on September 28, 2004, and on October 27, 2004, received twenty-three submittals in response, and

WHEREAS, the Consultant Selection Committee consisted of Doug Critchfield, Manager-Parks Planning and Development; Nathan Houx, Project Coordinator; Duane
WHEREAS, the Selection Committee short-listed the twenty-three submittals to eleven firms, who were invited to an interview on December 8 and 9, 2004, and

WHEREAS, following the initial interviews, the Selection committee recommends that the City Council select six firms (Beals Alliance, Callander Associates Inc., The HLA Group, O’Dell Engineering, Royston Hanamoto Alley & Abey, and Stantec Consulting Inc.) to provide landscape architectural and related services to the City for a period of three (3) years, and

WHEREAS, staff is proposing to rotate between the 6 consultants on the short-list for all projects when landscape architectural services are needed, by either notifying the next company on the list or determining the company best suited for the specific project, and

WHEREAS, at that time, an agreement with a detailed scope of work will be negotiated between the City and the Consultant, based upon the specific tasks required, and

WHEREAS, for professional service agreements under $50,000, the City Attorney’s Office, the Risk Manager and the City Manager’s Office will review the agreement before the appropriate staff signs it, and

WHEREAS, for professional service agreements over $50,000 and under $300,000, the City Attorney’s Office, the Risk Manager and the City Manager’s Office will review the agreement before staff forwards to the City Council for approval, and
WHEREAS, for professional service agreements over $300,000, staff will not use the short-list to select a landscape architect but will complete a separate Request for Proposals, which will follow the standard RFP process, and

WHEREAS, the Safety and Communities Committee met on January 3, 2005, and supported the recommendation to select six firms (Beals Alliance, Callander Associates Inc., The HLA Group, O’Dell Engineering, Royston Hanamoto Alley & Abey, and Stantec Consulting Inc.) to provide landscape architectural and related services to the City for a period of three (3) years, and

WHEREAS, the Safety and Communities Committee further recommended that a cap be placed on the amount of the contract awarded through this process, so that larger projects will benefit from a separate competitive RFP process for hiring a landscape architect, and

WHEREAS, staff recommends a cap on the short-list of $300,000 per project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby selects Beals Alliance, Callander Associates Inc., The HLA Group, O’Dell Engineering, Royston Hanamoto Alley & Abey, and Stantec Consulting Inc. to provide landscape architectural and related services to the City for a period of three (3) years.

BE IT FURTHER RESOLVED by the Council that the maximum contract amount shall not exceed $300,000 per project agreement.
The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 25th day of January 2005, 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
JEAN ZAH R City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich, City Attorney
On-Call Landscape Architectural Service Provider List
(Maximum contract amount not to exceed $300,000 per project agreement)
Valid January 2005 through January 2008

Beals Alliance
Derek McKee, Principal
2455 The Alameda, Suite 200
Santa Clara, CA 95050
Tel: (408) 985-7200
Fax: (408) 985-7260

Callander Associates Landscape Architecture, Inc.
Erik Smith, Principal
11180 Sun Center Drive, Suite 104
Rancho Cordova, CA 95670-6167
Tel: (916) 631-1312
Fax: (916) 635-9153

The HLA Group, Landscape Architects & Planners, Inc.
Steven Canada, Principal Landscape Architect
1990 Third Street, Suite 500
Sacramento, CA 95814
Tel: (916) 447-7400
Fax: (916) 447-8270

O'Dell Engineering
Randy O'Dell, Principal/President
1165 Scenic Drive
Modesto, CA 95350
Tel: (209) 571-1765
Fax: (209) 571-2466

Royston Hanamoto Alley & Abey
Harold Kobayashi, Principal
225 Miller Avenue
Mill Valley, CA 94941
Tel: (415) 383-7900
Fax: (415) 383-1433

Stantec Consulting, Inc.
Todd Rhoads, Managing Principal
2590 Venture Oaks Way
Sacramento, CA 95833
Tel: (916) 569-2500
Fax: (916) 921-9274
MODESTO CITY COUNCIL
RESOLUTION NO. 2005-051

A RESOLUTION APPROVING A GRANT APPLICATION FOR $1.8 MILLION IN THE 2005-2006 BICYCLE TRANSPORTATION ACCOUNT ADMINISTERED BY THE CALIFORNIA DEPARTMENT OF TRANSPORTATION AND AUTHORIZING THE ACTING CITY MANAGER TO EXECUTE THE APPLICATION.

WHEREAS, the State of California has made funding available through the Department of Transportation’s Bicycle Transportation Account for Fiscal Year 2005-2006, and

WHEREAS, development of the Virginia Corridor Project (the “Project”) is consistent with the Bicycle Transportation Act of the State Of California’s Department of Transportation programs, and

WHEREAS, said procedures established by the State of California’s Department of Transportation require the applicant’s governing body to certify by resolution the approval of the application before submission of said application to the State, and

WHEREAS, the applicant will enter into a contract with the State of California for the Project,

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

1. Approves the filing of an application for $1.8 million in local assistance funds from the State of California’s Department of Transportation through the Bicycle Transportation Account for Fiscal Year 2005-2006; and

2. Certifies that the applicant has or will have sufficient funds to operate and maintain the Project; and

3. Certifies that the applicant has reviewed, understands, and agrees to the General Provisions contained in the contract shown in the Procedural Guide; and
4. Authorizes the Acting City Manager, or his designee, as agent to conduct all negotiations, execute and submit all documents including, but not limited to, applications, agreements, payment requests and so on, which may be necessary for the completion of the Project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of January, 2005, 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
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2005-052

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

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

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

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

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

SECTION 1. CLASSIFICATIONS AMENDED. The Position Classification Plan of the City of Modesto is hereby amended to revise the job specifications for the following classifications:

1. Legal Secretary
2. Instrument Repair Technician

Said classifications are being amended to revise the job specifications to update the essential functions and the experience and training guidelines to more accurately reflect the needs of each classification.

SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after January 25, 2005.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of January 2005, 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 FORM:

By Michael D. Milich, City Attorney
LEGAL SECRETARY

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

DEFINITION

To perform a variety of responsible legal secretarial and general clerical duties in support of the City Attorney's Office; and to provide secretarial and administrative support to the attorneys.

SUPERVISION RECEIVED AND EXERCISED

Receives general supervision from the Legal Services Administrator. Exercises technical supervision over clerical staff.

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

Essential Functions:

Perform litigation-related work assignments as directed.

Transcribe a variety of dictation tapes containing correspondence and legal documents, including resolutions, ordinances, legal opinions, contracts, briefs, leases and agreements.

Prepare and process correspondence, legal papers and documents requiring knowledge of legal format, terminology and procedures.

Act as receptionist providing information and assistance to the public; screen telephone calls and requests for information, routing to appropriate staff member, department or agency.

Index and file legal documents; assist in maintaining law library.

Compile and organize agenda materials and information for City Attorney's use in preparing documents for City Council agenda and in providing legal assistance including preparation of documents to City Manager and City departments.
Essential Functions: (Continued)

Compile and assemble various legal materials from files and other sources for City Attorney's use in providing legal assistance and in preparation of other legal documents and opinions.

Perform general clerical work including filing, scheduling appointments and meetings, and processing payroll, account payable and reimbursement requests.

Sort and file documents and reports according to predetermined classifications maintaining alphabetical, index and cross-reference files.

Perform administrative duties within the clerical support system; recommend improvements in work flow, procedures and use of equipment and forms; perform special projects and assignments as requested.

Provide secretarial support to the professional legal staff; maintain appointment calendars, schedule meetings and prepare travel arrangements.

Maintain litigation calendars; record follow-up trial dates, action dates and deposition of cases.

Contact the public and outside agencies in acquiring and providing information and making referrals.

Receive, sort and distribute incoming and outgoing correspondence. Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Legal terminology and the forms and documents used in legal clerical work.

Legal procedures and practices involved in composing, processing, and filing a variety of legal documents.

Computer software programs such as WordPerfect, Word, Compulaw or other electronic calendaring program, Legal Solutions, Excel, and PowerPoint.

Modern office procedures, methods and computer equipment.

Business letter writing and basic report preparation.

Principles and procedures of record keeping.
Knowledge of: (Continued)

English usage, spelling, grammar and punctuation.

Filing and record keeping systems.

Municipal organization and local governmental agencies.

City policies and procedures.

Ability to:

Exercise good judgment and discretion.

Work with and control sensitive and confidential information.

Prepare a wide variety of legal documents both independently and as directed.

Prepare reports and correspondence independently.

Read, interpret, and apply policies, laws, rules and regulations.

Perform accurate, responsible legal secretarial and clerical work.

Function as part of a team, assisting co-workers with workloads as needed.

Communicate clearly and concisely, both orally and in writing.

Type at a speed necessary for successful job performance.

Transcribe dictation tapes at a speed necessary for successful job performance.

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

EXPERIENCE AND TRAINING GUIDELINES

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

Experience:

Five years of responsible secretarial experience, including three years of litigation experience in a legal office.
Training:
Equivalent to the completion of the twelfth grade supplemented by additional specialized training in legal secretarial work or a related field.

License or Certificate:
Possession of or ability to obtain an appropriate valid California driver's license.

WORKING CONDITIONS

Environmental Conditions:
Office environment; occasionally travel from site to site.

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

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

DEFINITION

To perform difficult and complex technical work in the testing, installation, maintenance and repair of all pneumatic, electronic and electrical control systems relative to the water and wastewater treatment operations.

SUPERVISION RECEIVED AND EXERCISED

Receives general supervision from higher level supervisory and management staff.

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

Essential Functions:

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

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

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

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

Maintain and repair automatic control valves and associated control functions.

Maintain SCADA system including control loops and relays.

Operate a variety of electronics testing equipment.

Install, maintain and repair underground and overhead circuits and control systems used in the operation of motors, pumps and generators at city-owned facilities.
Using a laptop or personal computer, communicate with the SCADA system, remote teletary units (RTU’s), and radios.

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

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

Perform Electrical maintenance.

Marginal Functions:

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

Perform electrical maintenance:

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

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

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

Principles of electronics as applied to telemetry.

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

Safe working practices and procedures.

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

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

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

Pass an annual physical examination.

Read and understand technical drawings, specifications and maintenance manuals.

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

Operate and use a personal computer.

Communicate clearly and concisely, both orally and in writing.

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

Experience and Training Guidelines

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

Experience:

Journey level experience in industrial electrical systems and electronics involving the calibration, set-up and testing of electronic instrumentation.

Training:

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

License or Certificate:

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

Environmental conditions:

Field environment; exposure to electrical energy.

Physical conditions:

Essential and marginal functions may require maintaining physical condition necessary for walking, standing or sitting for prolonged periods of time; operating motorized equipment and vehicles; the ability to distinguish color.
MODESTO CITY COUNCIL
RESOLUTION NO. 2005 - 053


WHEREAS, the Modesto Police Department and the Stanislaus County Sheriff’s Office proposed a project to the U.S. Bureau of Justice Assistance for “Project Safe Neighborhoods for Stanislaus County,” a program to reduce gun and gang violence, and

WHEREAS, the project proposed the reduction of gun and gang violence in the County through a combined Modesto Police Department / Stanislaus Sheriff’s Office program to target gangs and gang violence, especially gun violence, and

WHEREAS, said project will be funded by a grant from the U. S. Department of Justice, bureau of Justice Assistance and administered by the California Peace Officers’ Association (hereinafter referred to as “CPOA”), and

WHEREAS, said project was accepted for funding for a period of three years in the amount of $306,628, with no local match required, and

WHEREAS, the City of Modesto desires to undertake the “Project Safe Neighborhoods for Stanislaus County” to reduce gun and gang violence, and

WHEREAS, the project will provide important support to the Countywide Gang Intelligence Unit and the City of Modesto’s Street Crimes Unit, and

WHEREAS, the Safety and Communities Committee unanimously supported this action at its meeting of January 3, 2005,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the three-year grant from the U. S. Department of Justice in the amount of $306,628 and approves the “Project Safe Neighborhoods for Stanislaus County.”

BE IT FURTHER RESOLVED that the Acting City Manager, or his authorized designee, is hereby authorized to submit the project proposal to the CPOA and to execute the Grant Award Agreement with the U.S. Department of Justice, Bureau of Justice Assistance including any extensions or amendments thereof.

BE IT FURTHER RESOLVED that any liability arising out of the performance of this Grant Award Agreement, including civil court actions for damages, shall be the responsibility of the grant recipient and the authorizing agency. The U.S. Department of Justice, U.S. Attorney’s Office, Eastern District of California and CPOA disclaim responsibility for any such liability.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the grant funds received hereunder shall not be used to supplant expenditures controlled by this body.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of January 2005, 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
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NUMBER 2005-054

A RESOLUTION AMENDING THE FISCAL YEAR 2004/05 BUDGET TO RECOGNIZE REVENUE AND APPROPRIATE FUNDS FOR THE “PROJECT SAFE NEIGHBORHOODS FOR STANISLAUS COUNTY” GRANT

WHEREAS, the Modesto Police Department and the Stanislaus County Sheriff’s Office proposed a project to the U.S. Department of Justice, Bureau of Justice Assistance for grant funding for “Project Safe Neighborhoods for Stanislaus County,” a program to reduce gun and gang violence, and

WHEREAS, said project proposed the reduction of gun and gang violence in the County of Stanislaus through a combined Modesto Police Department / Stanislaus Sheriff’s Office program to target gangs and gang violence, especially gun violence, and

WHEREAS, said project was accepted for grant funding for a three-year project in the amount of $306,628, with no local match required,

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

To:
Revenue: $99,216 0410-190-2965-3200 $99,216 Project Safe Neighborhoods

To:

BE IT FURTHER RESOLVED that the Finance Director, or his authorized designee, is hereby authorized to take the necessary steps to implement the provisions of this resolution.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of January 2005, 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
JEAN ZAHN, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Michael D. Milich, City Attorney
A RESOLUTION APPROVING A FIRST AMENDMENT TO THE JOINT POWERS AGREEMENT OF THE STANISLAUS DRUG ENFORCEMENT AGENCY AND AUTHORIZING THE ACTING CITY MANAGER TO EXECUTE THE AMENDMENT

WHEREAS, the Stanislaus Drug Enforcement Agency has provided a coordinated multiagency specially trained police unit to suppress illegal drug trafficking in the County of Stanislaus, and

WHEREAS, all facets of the operations of the Drug Agency are stipulated in the Joint Powers Agreement (JPA) executed in 1999 by the County of Stanislaus, the City of Modesto and the other cities in the County of Stanislaus, and

WHEREAS, rotation of day-to-day management of the operations of the Agency and the chair of the JPA governing committee is stipulated to be every five years, and

WHEREAS, parties to the JPA desire that that rotation be delayed for one year to late 2005, and

WHEREAS, the Safety and Communities Committee unanimously recommended this action at its meeting of January 3, 2005,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the First Amendment to the Stanislaus Drug Enforcement Agency Joint Powers Agreement is hereby approved.

BE IT FURTHER RESOLVED that the Acting City Manager is hereby authorized to execute the First Amendment to said agreement on behalf of the City of Modesto.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of January 2005, 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 FORM:

By: 

MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL  
RESOLUTION NO. 2005 - 056

A RESOLUTION APPROVING AN AGREEMENT WITH SYLVAN UNION SCHOOL DISTRICT IN THE AMOUNT OF $38,380 FOR THE PROVISION OF ONE MODESTO POLICE OFFICER TO INSTRUCT THE DRUG ABUSE RESISTANCE EDUCATION CURRICULUM, AND AUTHORIZING THE ACTING CITY MANAGER TO EXECUTE THE AGREEMENT

WHEREAS, the Sylvan Union School District requires one Modesto Police Officer to instruct the Drug Abuse Resistance Education (D.A.R.E.), and

WHEREAS, the Modesto Police Department can provide a specially trained, uniformed police officer to serve as a classroom instructor to teach the D.A.R.E. curriculum to its third, fifth and seventh graders and take any enforcement action at the district school sites, if warranted, and

WHEREAS, the D.A.R.E. curriculum teaches positive self-esteem and the skills to refuse drugs and negative behavior, and

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

WHEREAS, the Safety and Communities Committee unanimously recommended this action at its meeting of January 3, 2005, and

WHEREAS, the term of this agreement is July 1, 2004 to June 30, 2005, and

WHEREAS, the City shall be compensated $38,380 for the services of this Modesto Police Officer,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the agreement with Sylvan Union School District in the amount of $38,380.
BE IT FURTHER RESOLVED that the Acting City Manager 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 25th day of January 2005, 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 FORM:

By: Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NUMBER 2005-057

A RESOLUTION AMENDING THE FISCAL YEAR 2004/05 BUDGET TO
RECOGNIZE REVENUE AND APPROPRIATE FUNDS FOR ONE MODESTO
POLICE OFFICER TO TEACH THE DRUG ABUSE RESISTANCE
EDUCATION AT THE SYLVAN UNION SCHOOL DISTRICT

WHEREAS, the Sylvan Union School District requires one Modesto Police
Officer to instruct the Drug Abuse Resistance Education (D.A.R.E.), and

WHEREAS, the Modesto Police Department can provide a specially trained,
uniformed police officer to serve as a classroom instructor to teach the D.A.R.E.
curriculum to its third, fifth and seventh graders and take any enforcement action at the
district school sites, if warranted, and

WHEREAS, the term of this agreement is July 1, 2004 to June 30, 2005, and

WHEREAS, the City shall be compensated $38,380 for the services of this
Modesto Police Officer,

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

<table>
<thead>
<tr>
<th>Amount</th>
<th>Account Number:</th>
<th>Account Name:</th>
</tr>
</thead>
<tbody>
<tr>
<td>To Revenue: $38,380</td>
<td>0100-190-1921-3729</td>
<td>Youth Services-D.A.R.E.</td>
</tr>
<tr>
<td>To Appropriations: $38,380</td>
<td>0100-190-1921-0100’s</td>
<td>Salaries and Benefits</td>
</tr>
</tbody>
</table>

BE IT FURTHER RESOLVED that the Finance Director, or his designee, is
hereby authorized to take the necessary steps to implement the provisions of this
resolution.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of January 2005, 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 FORM:

By: MICHAEL D. MILICH, City Attorney

1/25/2005/Police/J.Tognolini/Item 14 2 2005 - 057
MODESTO CITY COUNCIL
RESOLUTION NO. 2005-058

A RESOLUTION PROVIDING FOR THE SALE OF SURPLUS PROPERTY BY SEALED BID, PUBLIC AUCTION OR AS SCRAP FOR THE PERIOD OF FEBRUARY 1, 2005, THROUGH JANUARY 1, 2006.

WHEREAS, the City Manager is authorized by City Charter Section 801 to sell surplus personal property of the City of Modesto with the approval of the City Council, and

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

WHEREAS, it is the intent of the City Purchasing Division to seek City Council approval annually for the disposition of surplus property in accordance with Section 801 of the City Charter, and

WHEREAS, by approving an annual staff report for the disposition of surplus property, without returning to City Council for subsequent approval, the City will save substantial staff and processing time, and

WHEREAS, the estimated gross revenue to be received from the sale of surplus property from February 1, 2005, through January 31, 2006, is $100,000.00 to 175,000, and

WHEREAS, by Resolution No. 2001-423, the City’s current auction agreement entered into on August 14, 2001, provides for auctioneering services by The Auction House at their facility located at 824 Kiernan Avenue, in Modesto, and
WHEREAS, the City’s Purchasing Division has recommended on occasion that specific surplus property could best be sold on a sealed bid basis; however, if said property does not sell on a sealed bid basis, said property shall then be sold at a public auction to be conducted by The Auction House, and

WHEREAS, should the sealed bid process or the public auction process not bring the desired result, City staff proposes that the property shall be sold for scrap, and

WHEREAS, the list of items to be sold at auction or surplus will be on file in the office of the City Clerk, and

WHEREAS, the Central Stores Manager will be permitted to call The Auction House to coordinate pick-up of surplus property (such as vehicles) after the appropriate surplus property forms have been approved by the Purchasing Division, and

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

WHEREAS, the Purchasing Division will submit said recap memorandum to the Finance Director and will have the proceeds (less administrative fee’s) deposited to the proper accounts,

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

SECTION 1. The City Council hereby authorizes the City Purchasing Division to seek City Council approval in December of each year for annual approval for the disposition of surplus property in accordance with Section 801 of the City Character.
SECTION 2. The City Manager, or his designated representative, is hereby authorized and directed to sell on a sealed bid basis to the highest bidder any surplus properties as set forth on the list on file in the City Clerk’s office.

SECTION 3. If said property cannot be sold on a sealed bid basis as provided for above, then said property may to sold at public auction utilizing the current agreement with The Auction House which was entered into on August 14, 2001, and approved by Council Resolution No. 2003-423. Said resolution provides for auctioneering services to be provided by The Auction House, subject to the appropriate insurance being on file in the office of the City Clerk, and subject to at least five (5) days notice being given before the time fixed for the sale. The City Clerk shall cause notice thereof to be published in the Modesto Bee, the official newspaper of the City of Modesto. Said notice shall set forth the time and place of the sale and shall state that the list of items to be offered for sale can be inspected in the office of the City Clerk.

SECTION 4. If said property cannot be sold on a sealed bid basis or the public auction process, then said property may be sold for scrap.

SECTION 5. The City Central Stores Manager is hereby authorized to contact The Auction House to coordinate pick-up for surplus property after the necessary surplus property forms have been approved by the Purchasing Division.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of January 2005, 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:  

APPROVED AS TO FORM:  
By: Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2005 - 059

A RESOLUTION AUTHORIZING THE PURCHASING SUPERVISOR TO FORMALLY SOLICIT REQUEST FOR BIDS (RFB) FOR SIX (6), MODEL 170E CONTROLLERS AND MODEL 332 CABINETS FOR TRAFFIC SIGNAL CONTROL FOR AN ESTIMATED TOTAL COST OF $50,000.

WHEREAS, the Public Works Department has requested the purchase of six (6), Model 170E Controllers and Model 332 Cabinets for traffic signal control for an estimated cost of $50,000, and

WHEREAS, the Model 170E controller assemblies consisting of Model 170E controller units, and wired Model 332 cabinets and all auxiliary equipment are required to control the signal indications for full eight (8) phase signal operation, and

WHEREAS, the Model 170E Controller conforms to Traffic Signal Control Equipment Specification used by the State of California, and

WHEREAS, these units will be used to replace damaged units, as well as units which have been in use for over twenty (20) years at various City-wide locations, and

WHEREAS, by soliciting formal bids for six (6), Model 170E Controllers and Model 332 Cabinets, 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 that the Purchasing Supervisor is hereby authorized to solicit formal Request for Bids for six (6), Model 170E Controllers and Model 332 Cabinets for an estimated total cost of $50,000 as follows:
SECTION 1. The City Clerk is hereby authorized to call for public formal bids for the purchase of six (6), Model 170E Controllers and Model 332 Cabinets 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 proposals 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 25th day of January 2005, 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:

By: Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2005-060

A RESOLUTION AUTHORIZING THE PURCHASING SUPERVISOR TO ISSUE FORMAL REQUEST FOR BIDS (RFB) FOR THE REBUILDING OF NINE (9), 1990 GILLIG/LIFT-U WHEELCHAIR LIFTS FOR AN ESTIMATED TOTAL COST OF $76,500

WHEREAS, the Public Works Department-Fleet Services has requested the purchase for the rebuilding of nine (9), 1990 Gillig/Lift-U Wheelchair Lifts, and

WHEREAS, the wheelchair lifts on our City of Modesto buses must be kept to the highest standards of repair and maintenance for the safety of our ADA customers, and

WHEREAS, the current lifts in our 1900 Gillig are the original lifts that were purchased with the buses, and

WHEREAS, the life cycle on these lifts average twelve (12) years and our lifts are now fourteen (14) years old, and

WHEREAS, due to solid preventive maintenance programs, we have been able to stretch the life of these lifts to the current fourteen-year point, and

WHEREAS, we closely watch the types of repairs that are becoming necessary and the overall annual motors types of failures, and

WHEREAS, all indictors are showing us that it is time to rebuild or replace the lifts, and the cost of the new lifts are generally double the cost of using a rebuild program,

WHEREAS, the rebuild program that is currently being offered by the original manufacturer of our lifts is the most cost effective option as it would bring the lifts back to the original manufactured specification with a full factory warranty, and
WHEREAS, funding for rebuilding of nine (9), 1990 Gillig/Lift-U Wheelchair Lifts is budgeted in account number 6540-480-5612-5600, and

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

WHEREAS, by soliciting formal bids for the rebuilding of nine (9), 1990 Gillig/Lift-U Wheelchair Lifts, 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 that it hereby authorizes the Purchasing Supervisor to solicit formal Request for Bids (RFB) for the rebuilding of nine (9), 1990 Gillig/Lift-U Wheelchair Lifts for an estimated total cost of $76,500 as follows:

SECTION 1. The City Clerk is hereby authorized to call for public formal bids for the purchase of rebuilding nine (9), 1990 Gillig/Lift-U Wheelchair Lifts for an estimated total cost of $76,500 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 25th day of January, 2005, 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:

By: Michael D. Milich, City Attorney

ATTEST: Rebecca Brown

Jean Zahr, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2005-061

A RESOLUTION AUTHORIZING THE PURCHASING SUPERVISOR TO
SOLICIT REQUEST FOR BIDS (RFB) FOR CONCRETE BOXES AND
COVERS, AND CAST IRON COVERS AND FRAMES FOR A ONE-YEAR
PERIOD, WITH AN ESTIMATED TOTAL ANNUAL COST OF $75,000.00

WHEREAS, various city departments have requested the purchase of concrete
boxes and covers, and cast iron covers and frames, and

WHEREAS, the Finance Department, Central Stores Division is responsible for
Maintaining inventory for concrete boxes and covers, and cast iron covers and frames
(See Exhibit C) for use by all departments for Citywide projects, and

WHEREAS, the need and specifications for these materials have been developed
over time through collaboration between Central Stores staff and division personnel
requesting the said materials, 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 the Modesto City Code (MMC), Section 8-3.203, Formal Bid Procedures,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that the Purchasing Supervisor is hereby authorized to solicit formal RFB for concrete
boxes and covers, and cast iron covers and frames as follows:

SECTION 1. The City Clerk is hereby authorized to call for public formal bids for
congrete boxes and covers, and cast iron covers and frames for a one-year period (See
Exhibit C) to be opened in the office of the City Clerk, 1010 10th Street, in the City of
Modesto. The City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of January 2005, 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