MODESTO CITY COUNCIL
RESOLUTION NO. 2003-454

A RESOLUTION APPROVING THE PURCHASE OF A VAN FROM CREATIVE BUS SALES CHINO CA., AT AN APPROXIMATE COST OF $71,317.68 USING CITY OF CERES FUNDS, FOR USE IN CERES’ FIXED-ROUTE BUS SERVICE

WHEREAS, the City of Ceres received Congestion Mitigation and Air Quality (CMAQ) funds for the purchase of a van for its transit service, and

WHEREAS, the City of Ceres is not certified by the Federal Transit Administration (FTA) to make purchases with FTA funds, and

WHEREAS, the City of Modesto is certified by the FTA to make purchases with FTA funds, and

WHEREAS, the City of Modesto wishes to assist the City of Ceres with its fixed-route transit service to ensure its success, and

WHEREAS, the Economic Development Committee met on July 7, 2003, and supported the recommendation of City staff to enter into an agreement with the City of Ceres to purchase a van on Ceres’ behalf and lease it back to Ceres at no cost, and

WHEREAS, on August 6, 2003, the City Council approved an agreement with the City of Ceres to purchase a van on Ceres’ behalf and lease it back to Ceres at no cost, and

WHEREAS, by an agenda report to the City Council dated August 15, 2003, from the Engineering and Transportation Director, City staff recommended that the Council approve the purchase of a van from Creative Bus Sales in the amount of $71,317.68

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a purchase of a van from Creative Bus Sales of Chino, CA, in the amount of approximately $71,317.68 using City of Ceres funds, for use in Ceres’ fixed-route bus service.
BE IT FURTHER RESOLVED that the Purchasing Supervisor, or his designee, is hereby authorized to issue a purchase order for said van.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of September, 2003, by Councilmember Frohman, 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: Conrad, Frohman, Jackman, Keating, O’Bryant, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher

ATTEST: Jean Ahr
JEAN AHR, City Clerk
(SEAL)

APPROVED AS TO FORM:

By: Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2003-455

A RESOLUTION APPROVING AN AMENDMENT TO A LEASE AGREEMENT WITH MODESTO EXECUTIVE AIR CHARTER, DBA SKYTREK AVIATION, THAT ALLOWS A ONE-YEAR SUSPENSION OF A 5% SUBLEASE FEE OF GROSS RENTS RECEIVED THAT SKY TREK PAYS TO CITY, AND AUTHORIZE THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT TO THE LEASE AGREEMENT ON BEHALF OF THE CITY.

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

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

WHEREAS, SkyTrek Aviation petitioned the City to eliminate the 5% fee stating that the requirement is unfair and that business has been lost because they are including the surcharge in their monthly rental rate, and

WHEREAS, the Economic Development Committee considered SkyTrek Aviation’s request at their May 12, 2003 meeting and directed staff to negotiate a short-term (one-year) suspension or another term based on occupancy levels that could be approved by Council, and

WHEREAS, the Economic Development Committee approved the proposed amendment to the lease agreement at their July 7, 2003 meeting that allows for a one-year suspension of the 5% fee Sky Trek Aviation pays to the City, and

WHEREAS, the amendment to the agreement has been executed by officers of SkyTrek Aviation and returned to the City,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the amendment to the lease agreement with Modesto Executive Air Charter, dba SkyTrek Aviation, allowing a one-year (June 1, 2003 to May 31, 2004) suspension on the 5% sublease fee that SkyTrek Aviation pays to the City of Modesto.

BE IT FURTHER RESOLVED that the City Manager or his designee is hereby authorized to execute the amendment to the agreement 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 2nd day of September, 2003 by Councilmember Keating, who moved its adoption, which motion being duly seconded by Councilmember Frohman was upon roll call carried and the resolution was adopted by the following vote.

AYES: Councilmembers: Conrad, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher

ATTEST: Jean Zahr, City Clerk

(SEAL)

APPROVED AS TO FORM:

by Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO 2003-456

A RESOLUTION APPROVING A LEASE AGREEMENT BETWEEN THE CITY OF MODESTO AND HAROLD LANG FOR AN OFFICE IN THE AIRPORT’S OLD ADMINISTRATION BUILDING

WHEREAS, vacant office space is available to rent in the old Administration Building at Modesto City-County Airport, and

WHEREAS, Harold Lang, an individual and owner of Harry’s Heating and Air Conditioning, wishes to rent a vacant office in the airport’s old administration building from which he can schedule service calls and prepare billing statements, and

WHEREAS, the lease agreement is for one year, and is expected to increase revenues in the Airport Enterprise Fund by approximately $1,764 a year, and

WHEREAS, the Transportation Policy Committee in 2002 was in support of the last non-aviation user office lease submitted and that user is still a tenant in the airport’s old administration building, and

WHEREAS, the City Council was in agreement with the Transportation Policy Committee’s recommendation and approved a lease for a non-aviation tenant,

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that it hereby approves an office lease with Harold Lang for the purpose of scheduling business appointments and other general office purposes.

BE IT FURTHER RESOLVED, the City Manager or his designee is authorized to execute the lease agreement 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 2nd day of September 2003 by Councilmember Keating, who moved its adoption, which motion being duly seconded by Councilmember Frohman was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher

ATTEST: JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2003-457

A RESOLUTION AWARDING THE BID AND APPROVING A $1,064,995 CONTRACT WITH GEORGE REED, INC., FOR THE PROJECT TITLED “RUNWAY 10L-28R PAVEMENT IMPROVEMENTS AND RUNWAY LIGHT FIXTURE REPLACEMENT,” AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT

WHEREAS, the bids received for the RUNWAY 10L-28R PAVEMENT IMPROVEMENTS AND RUNWAY LIGHT FIXTURE REPLACEMENT project were opened at 11:00 a.m. on July 1, 2003 and later tabulated by the Engineering and Transportation Director for the consideration of the Council, and

WHEREAS, the Engineering and Transportation Director has recommended that the bid of $1,064,995.00 received from George Reed, Inc., be accepted as the lowest responsible bid and the contract be awarded to George Reed, Inc.,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the bid of $1,064,995.00, and hereby awards George Reed, Inc. the contract titled “RUNWAY 10L-28R PAVEMENT IMPROVEMENTS AND RUNWAY LIGHT FIXTURE REPLACEMENT.”

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the contract.
The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 2nd day of September, 2003, by Councilmember
Frohman, 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: Conrad, Frohman, Jackman, Keating, O’Bryant,
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2003-458

A RESOLUTION AMENDING THE CAPITAL IMPROVEMENT BUDGET TO RECOGNIZE REVENUE FROM A FEDERAL AVIATION ADMINISTRATION GRANT AND CITY MATCH TO THE GRANT IN THE AMOUNT OF $1,100,000 TO 6320-440-N020

WHEREAS, the bids received for the RUNWAY 10L-28R PAVEMENT IMPROVEMENTS AND RUNWAY LIGHT FIXTURE REPLACEMENT project were opened at 11:00 a.m. on July 1, 2003, and later tabulated by the Engineering and Transportation Director for the consideration of the Council, and

WHEREAS, the Engineering and Transportation Director has recommended in a separate resolution that the bid of $1,064,995.00 be accepted as the lowest responsible bid and the Finance Department has determined that there is $690,000.00 available for this project in the Capital Improvement Program, and

WHEREAS, the need for $528,053.00 to construct the improvements for the Runway 10L-28R Pavement Improvement project has been identified, and

WHEREAS, the City of Modesto has received a Grant from the Federal Aviation Administration in the amount of $1,000,000 for this project making an additional $1,100,000 available for the project and is to be paid from 6320-440-N020,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Capital Improvement Budget by an additional $1,100,000, which includes $1,000,000 in revenue from the Federal Aviation Administration and $100,000 of City match to 6320-440-N020.
BE IT FURTHER RESOLVED that the Finance Director, or her designee, is hereby authorized to take the necessary action to amend the Capital Improvement Budget.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of September, 2003, by Councilmember Frohman, 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: Conrad, Frohman, Jackman, Keating, O’Bryant, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher

ATTEST: [Signature]
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By [Signature]
MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2003-459

A RESOLUTION SUMMARILY VACATING AND ABANDONING A 10-FOOT PUBLIC UTILITY EASEMENT LOCATED BETWEEN 1901 AND 1925 WEST ORANGEBURG AVENUE IN THE CITY OF MODESTO

WHEREAS, Chapter 4, Part 3 of Division 9, Section 8330, et seq of the California Streets and Highway Code authorizes a city council, by resolution, to summarily vacate public service easements where the easement has been superseded by relocation and there are no other public facilities located within the easement, and

WHEREAS, the City of Modesto has received a request from STEVEN PIETERS, real estate manager, of ESA Services, Inc., on behalf of Extended Stay America, to abandon a 10-foot Public Utility Easement located between 1901 and 1925 West Orangeburg Avenue, and

WHEREAS, this easement was dedicated to the City of Modesto on a parcel map that created these two parcels, and

WHEREAS, when the public utilities constructed their facilities they did not use this easement, and the utilities were constructed along the frontage of the parcels, and

WHEREAS, said easement referred to above on the real property located between 1901 and 1925 West Orangeburg Avenue in the City of Modesto is more particularly described in Exhibit “A” attached hereto and incorporated herein by this reference, and

WHEREAS, the Engineering and Transportation Department has contacted the Operations and Maintenance Department, Community and Economic Development Department, and all public utilities and none of these agencies have any objection to the abandonment, and
WHEREAS, the Council of the City of Modesto finds and declares that:

1. The vacation of this easement is made pursuant to Chapter 4, Part 3 of Division 9, Section 8333(c) of the California Streets and Highways Code.

2. The use of the property described in Exhibit “A”, attached hereto, is a 10-foot public utility easement located between 1901 and 1925 West Orangeburg Avenue in the City of Modesto, which is more particularly described in Exhibit “A”, has been superseded by relocation and there are no other public facilities within the easement and the easement is no longer required for public utilities.

3. That from and after the date of this resolution is recorded, the 10-foot public utility easement vacated will no longer constitute a public utility easement.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 10-foot public utility easement located between 1901 and 1925 West Orangeburg Avenue in the City of Modesto, which is more particularly described in Exhibit “A” which is attached hereto and incorporated by reference, be and is hereby vacated and abandoned.

BE IT FURTHER RESOLVED the City Clerk is hereby directed to record a certified copy of this resolution in the Stanislaus County Recorder’s Office and that such vacation and abandonment shall become effective immediately upon such recordation.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of September, 2003, by Councilmember Frohman, 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: Conrad, Frohman, Jackman, Keating, O’Bryant, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher

ATTEST: ________________________________
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

MICHAEL D. MILICH, City Attorney

By ________________________________
ALISON A. BARRATT-GREEN
Senior Deputy City Attorney
EXHIBIT “A”
LEGAL DESCRIPTION

All that real property situated in the City of Modesto, County of Stanislaus, State of California, being a portion of Parcel 3 as said parcel is shown on that certain parcel map filed in Book 39 of Parcel Maps at Page 67, Stanislaus County Records, said property being further described as follows:

The easterly 10.00 feet of said Parcel 3.

Excepting therefrom: the northerly and southerly 10.00 feet thereof.

Containing 2,071 square feet more or less.

End of Description
MODESTO CITY COUNCIL
RESOLUTION NO. 2003-460

A RESOLUTION ACCEPTING THE PROJECT TITLED "REPLACE SHADE STRUCTURES AT BEYER AND GRACEADA PARKS" AS COMPLETE

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled "Replace Shade Structures at Beyer and Graceada Parks", has been completed by CEN-CAL Construction, in accordance with the contract agreement dated October 22, 2002,

NOW, THEREFORE, BE IT RESOLVED that the "Replace Shade Structures at Beyer and Graceada Parks" project be accepted from said contractor, CEN-CAL Construction, that the notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due totaling $303,693.31 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 2nd day of September, 2003, by Councilmember Frohman, 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: Conrad, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher

ATTEST: [Signature]
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By [Signature]
MICHAEL D. MILICH, City Attorney
A RESOLUTION APPROVING THE INSTALLATION OF AN ALL-WAY STOP ON MERLE AVENUE AT FINE AVENUE.

WHEREAS, Staff received a request from Freedom Elementary School to install an all-way stop on Merle Avenue at Fine Avenue, and

WHEREAS, the school is concerned with safety at this intersection, and

WHEREAS, City staff has reviewed the intersection’s collision history, traffic volumes, and performed a speed survey at this location and has concluded that an all-way stop can be accommodated as requested without creating a hazard and without impeding traffic flow, and

WHEREAS, based on the traffic volumes warrant from the Caltrans Traffic Manual, an all-way stop is warranted at this intersection, and

WHEREAS, the Economic Development Committee reviewed and approved the installation of an all-way stop, as requested by Freedom Elementary School, at their meeting on August 11, 2003, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the installation of an All-way Stop on Merle Avenue at Fine Avenue.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of September, 2003, by Councilmember Frohman, 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: Conrad, Frohman, Jackman, Keating, O’Bryant, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher

ATTEST: Jean Zahr, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich, City Attorney
A RESOLUTION ACCEPTING THE STATE OF CALIFORNIA OFFICE OF TRAFFIC SAFETY (OTS) GRANT FOR $60,000 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE NECESSARY GRANT DOCUMENTS.

WHEREAS, in June, 2003, the City received notice from the State of California Office of Traffic Safety (OTS) that it was awarded a grant for $60,000 for the installation of lighted crosswalks at various locations within the city of Modesto, and

WHEREAS, this grant will be used to install lighted crosswalks at various locations in Modesto, thereby enhancing safety for pedestrians, and

WHEREAS, the total project cost is $120,000, $60,000 of which will be paid by the State of California OTS grant, and the City will be responsible for the other $60,000, and

WHEREAS, the project grant application was reviewed and approved by the Economic Development Committee at its August 11, 2003, meeting,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the State of California OTS grant in the amount of $60,000.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the necessary grant documents for said projects.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of September, 2003, by Councilmember Frohman, 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: Conrad, Frohman, Jackman, Keating, O’Bryant, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher

ATTEST: 

JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 

MICHAEL D. MILICH, City Attorney
A RESOLUTION AMENDING THE FISCAL YEAR 2003-04 CAPITAL IMPROVEMENT PROGRAM (CIP) BUDGET ACCEPTING THE STATE OF CALIFORNIA OFFICE OF TRAFFIC SAFETY (OTS) GRANT FOR $60,000 AND CREATING A NEW CAPITAL IMPROVEMENT PROJECT, ENTITLED "OTS LIGHTED CROSSWALKS VARIOUS LOCATIONS"

WHEREAS, in June, 2003, (per agenda report) the City was awarded a grant of $60,000 from the State of California Office of Traffic Safety (OTS) grant program for the installation of lighted crosswalks at various locations within the city of Modesto, and

WHEREAS, the total project cost is $120,000, and the City will be responsible for the other $60,000, and

WHEREAS, said funds can be utilized for the installation of lighted crosswalks at various locations within the City of Modesto, thereby enhancing safety for pedestrians, and

WHEREAS, the project grant application was reviewed and approved by the Economic Development Committee at its August 11, 2003, meeting, and

WHEREAS, the FY2003-2004 Capital Improvement Budget must be amended to accommodate this grant before funds can be expended,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Fiscal Year 2003-04 Capital Improvement Program budget as follows: (1) creating a new CIP MY-2300-160-A221 "OTS Lighted Crosswalks Various Locations for $120,000, (2) reducing the appropriated funds and inter-fund transfers for MY-2300-160-M144 by $60,000, and (3) budgeting new transfers from the Gas Tax Fund (0700) to provide the required $60,000 local match to this grant,
BE IT FURTHER RESOLVED that upon receipt of the grant funds, the Finance Director, or her designee is hereby authorized to implement this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2rd day of September, 2003, by Councilmember Frohman, 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: Conrad, Frohman, Jackman, Keating, O’Bryant, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher

ATTEST: Jean Zahr, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Michael D. Milich, City Attorney
A RESOLUTION ORDERING THE LEVY AND COLLECTION OF CHARGES FOR THE PURPOSE OF THE RECONSTRUCTION OF CERTAIN ALLEYS AND SIDEWALKS

WHEREAS, the City Council of the City of Modesto, California ("Council"), has by previous resolutions, initiated proceedings, declared its intention to levy charges or assessments for the purpose of administering projects related to the reconstruction of alleys and sidewalks, pursuant to the provisions of the Streets and Highways Code, Chapter 27, Section 5870, and

WHEREAS, the charges against the real property are not levied with regard to property values but rather by allocation of cost reports by City Engineering, and

WHEREAS, the City Council has determined and certifies that the charges are either exempt from or in compliance with all the provisions of Proposition 218 which was passed by the voters in November 1996, and

WHEREAS, the City Council has further determined the charges are in compliance with all laws pertaining to the levy of such charges,

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby orders the levy and collection of such charges related to the reconstruction of alleys and sidewalks as shown in Attachment "A" for the 2003-04 fiscal year, and that a certified copy of this resolution together with the attached documentation shall be delivered to the Auditor-Controller of the County of Stanislaus for placement of such charges on the 2003-04 County tax roll.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of September, 2003, by Councilmember Frohman, 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: Conrad, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher

ATTEST: 

JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By

MICHAEL D. MILICH, City Attorney
## CITY OF MODESTO
### ASSESSMENT ROLL RECEIVABLE LIST
#### 2003-2004

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MODESTO CITY COUNCIL
RESOLUTION NO. 2003 - 465

A RESOLUTION AMENDING THE FISCAL YEAR 2003-2004 ANNUAL BUDGET

WHEREAS, a monthly financial analysis has been completed and it has been
determined that certain adjustments are required to the Annual Budget of the City of
Modesto for the Fiscal Year 2003-2004,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that appropriations, revenues, and transfers for the 2003-2004 budget have been adjusted
as shown in Schedule A.

BE IT FURTHER RESOLVED that the Finance Director is hereby authorized to
take the necessary steps to implement the provisions of this resolution.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of September, 2003, by Councilmember Frohman, 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: Conrad, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher

ATTEST: __________________________
JEAN ZAHR, City Clerk

(seal)

APPROVED AS TO FORM:

By: __________________________
MIKE MILICH, City Attorney
### Budget Adjustments for the Month of August 2003

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<td>140</td>
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<td>0245</td>
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<td>0301</td>
<td>1435C</td>
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**Justification:** Re-appropriate un-expended funds from FY02/03 in order to fund and complete this Council-authorized Housing Element project, which is expected to be completed in December '03. There is no General Fund impact.

<table>
<thead>
<tr>
<th>Parks, Recreation &amp; Neighborhoods Department</th>
<th></th>
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<td>3265</td>
<td>0497</td>
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</table>

**Justification:** The Minor Home Repair Grant Program was approved by Council on June 24, 2003 (Resolution No. 2003-319). This transfer of reserves from Fund 1140 (CDBG Rental Rehab Program) will provide funding for FY03-04. There is no General Fund impact.

| #2 | Appropriation | Contingency Reserve | 1130 | 800 | 8000 | 8003 | 1130R | $0 | -$150,000 | -$150,000 |
| #2 | Appropriation | Homeless Day Facility | 1130 | 320 | 3254 | 0511 | 3250C | $0 | $150,000 | $150,000 |

**Justification:** The Homeless Day Facility was presented to the City Council on August 6, 2003. This transfer of reserves from Fund 1130 (CDBG Public Services) will provide funding for FY03-04. There is no General Fund impact.

| #3 | Appropriation | Misc. Services | 1130 | 320 | 3252 | 0260 | 3250C | $18,636 | ($7,122) | $11,514 |
| #3 | Appropriation | Misc. Services | 1130 | 320 | 3254 | 0260 | 3250C | $0 | $27,290 | $27,290 |
| #3 | Appropriation | Contingency Reserve | 1130 | 800 | 8000 | 8003 | 1130R | $0 | ($20,168) | ($20,168) |
| #3 | Appropriation | Salary Adjustments | 1170 | 320 | 3258 | 0181 | 3258A | $0 | $1,943 | $1,943 |
| #3 | Appropriation | Contingency Reserve | 1170 | 800 | 8000 | 8003 | 1170R | $0 | ($1,943) | ($1,943) |
| 2 | Revenue | CDBG Entitlement | 1130 | 320 | 3254 | 3513R | na | $1,288,961 | $12,290 | $1,301,251 |
| 2 | Revenue | CDBG Entitlement | 1130 | 320 | 3256 | 3513R | na | $798,399 | ($12,290) | $786,109 |

**Justification:** Adjustments are necessary to re-balance the CDBG and HOME entitlement grants after the re-allocation of internal service charges for Information Technology, Workers' Compensation and Liability. There is no General Fund impact.

MONTHLY ADJUSTMENTS WORKSHEET FOR FY03-04
A RESOLUTION TO CONSIDER AUTHORIZING THE FINANCE
DEPARTMENT TO SOLICIT REQUEST FOR PROPOSALS FOR
INVESTMENT ADVISORY SERVICES FOR THE CITY OF MODESTO,
REDEVELOPMENT AGENCY OF THE CITY OF MODESTO, MODESTO
PUBLIC FINANCING AUTHORITY, COMMUNITY FACILITY DISTRICTS,
AND THE TUOLUMNE RIVER REGIONAL PARK.

WHEREAS, under Section 2-3.401 of the Municipal Code, it is the function of
the Finance Department to deposit and invest funds for the City and its agencies in
accordance with sound treasury management, and

WHEREAS, the Finance Department has requested investment advisory services
relating to the management of investments for the City and its agencies in accordance
with sound treasury management, and

WHEREAS, the City has a need for professional assistance in meeting its
investment goals of safety of principal, liquidity and maximization of yield, and

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

WHEREAS, one exception to the formal bidding requirement is contracts for
Professional Services (MMC 8-3.204)(a), and

WHEREAS, the Finance Committee reviewed this request at its August 13, 2003,
meeting, and authorized staff to proceed to the full Council for approval,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the Finance Department to issue a call for Request for Proposals (RFP) for the provision of investment advisory services.

BE IT FURTHER RESOLVED that the Council hereby authorizes said Request for Proposals (RFP) to be evaluated and a recommendation for award made based on criteria outlined in the Request for Proposals (RFP). The Finance Department will then present a recommendation for award to the Council.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of September, 2003, by Councilmember Frohman, 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: Conrad, Frohman, Jackman, Keating, O’Bryant, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher

ATTEST: [Signature]
Jeh Zahr, City Clerk

APPROVED AS TO FORM:

By: [Signature]
Michael D. Milich, City Attorney
A RESOLUTION TO CONSIDER AUTHORIZING THE FINANCE DEPARTMENT TO SOLICIT REQUEST FOR QUALIFICATIONS FOR UNDERWRITING SERVICES FOR THE CITY OF MODESTO, REDEVELOPMENT AGENCY OF THE CITY OF MODESTO, AND COMMUNITY FACILITY DISTRICTS.

WHEREAS, the issuance of long-term debt has historically provided a major source of funding for capital needs, and

WHEREAS, the high cost of acquiring or replacing capital needs generally results in the inability to accumulate sufficient cash in fund reserves from which to pay for necessary improvements, and

WHEREAS, the City anticipates issuing debt in the near future relating to its capital needs in community facilities districts and utility funds, and

WHEREAS, a need exists to supplement the City’s financing team with qualified underwriters, and

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

WHEREAS, one exception to the formal bidding requirement is contracts for Professional Services (MMC8-3.204)(a), and

WHEREAS, the Finance Committee reviewed this request at its August 13, 2003, meeting, and authorized staff to proceed to the full Council for approval,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the Finance Department to issue a call for Request for Qualifications (RFQ) for the provision of underwriting services.

BE IT FURTHER RESOLVED that the Council hereby authorizes said Request for Qualifications (RFQ) to be evaluated and a recommendation for development of a roster of underwriters be made based on criteria outlined in the Request for Qualifications (RFQ). The Finance Department, in consultation with its financing team, will select an underwriter for a specific future bond issue based on the particular structure of the financing and a particular firm’s expertise in a specialized area of financing.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of September, 2003, by Councilmember Frohman, 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: Conrad, Frohman, Jackman, Keating, O’Bryant, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher

ATTEST: Jean Zahr, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich, City Attorney
A RESOLUTION TO CONSIDER AUTHORIZING THE FINANCE DEPARTMENT TO SOLICIT REQUEST FOR PROPOSALS FOR A WATER AND WASTEWATER USER FEE AND INFRASTRUCTURE FEE STUDY.

WHEREAS, the City last commissioned a rate study of its water and wastewater utilities in 1998, and

WHEREAS, a utility rate study encompasses a thorough evaluation of the City’s customer classes, rate structures, cost of service, rate policies, revenue requirements, legal requirements, working capital reserve requirements, and development of a rate model, and

WHEREAS, the City anticipates future major capital improvements and increased operations and maintenance costs relating to the water and wastewater utilities, and

WHEREAS, staff recommends the use of a utility rate specialist to enhance the financial management of the water and wastewater utilities, and

WHEREAS, utility rate analysis requires expertise that does not exist within the City due to the relative infrequency of conducting such analysis, and

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

WHEREAS, one exception to the formal bidding requirement is contracts for Professional Services (MMC8-3.204)(a), and

WHEREAS, the Finance Committee reviewed this request at its August 13, 2003, meeting, and authorized staff to proceed to the full Council for approval,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the Finance Department to issue a call for Request for Proposals (RFP) for the provision of water and wastewater user fee and infrastructure fee study.

BE IT FURTHER RESOLVED that the Council hereby authorizes said Request for Proposals (RFP) to be evaluated and a recommendation for award made based on criteria outlined in the Request for Proposal (RFP). The Finance Department will then present a recommendation for award to the Council.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2<sup>nd</sup> day of September, 2003, by Councilmember Frohman, 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: Conrad, Frohman, Jackman, Keating, O’Bryant, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher

ATTEST: [Signature]

Jean Zahr, City Clerk

APPROVED AS TO FORM:

By: [Signature]

Michael D. Milich, City Attorney
A RESOLUTION APPROVING SUBMITTAL OF AN APPLICATION FOR $87,480 IN GRANT FUNDS FROM THE RECREATION TRAILS PROGRAM FOR THE VIRGINIA CORRIDOR RAILS-TO-TRAILS PROJECT, CERTIFYING AVAILABILITY OF $21,870 FOR THE REQUIRED 20% LOCAL SHARE, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE GRANT APPLICATION DOCUMENTS.

WHEREAS, the Transportational Equity Act For The 21st Century provides funds to the State of California for grants to state, local and non-profit organizations to acquire, develop and/or maintain motorized and non-motorized trail purposes, and

WHEREAS, the State Department of Parks and Recreation has been delegated the responsibility for the administration of the program within the State, setting up necessary procedures governing project application under the program, and

WHEREAS, said procedures established by the State Department of Parks and Recreation require the applicant to certify by resolution the approval of application(s) and the availability of the 20% local share required for the grant before submission of said application(s) to the State, and

WHEREAS, the applicant will enter into an agreement with the State of California to complete the project(s), and

WHEREAS, staff is recommending submitting an application requesting $87,480 for the Virginia Corridor Rails-to-Trails 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 $87,480 in funding from the Recreational Trails Program for development of the Virginia Corridor Rails-to-Trails Project; and
2. Certifies that the City of Modesto has or will have available prior to commencement of any work on the project included in this application, sufficient funds to operate and maintain the project;
3. Certifies that the sum of $21,870 for the 20% local share required for the grant is available, and
4. Appoints the City Manager as agent of the City of Modesto to conduct all negotiations, execute and submit all documents, including, but not limited to applications, agreements, amendments, payment requests and so on, which may be necessary for the completion of the aforementioned project.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of September, 2003, by Councilmember Frohman, 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: Conrad, Frohman, Jackman, Keating, O’Bryant, Mayor Sabatino

NOES:    Councilmembers: None

ABSENT: Councilmembers: Fisher

Attest:  Jean Zahr, City Clerk

APPROVED AS TO FORM:

By:  Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2003-470

A RESOLUTION APPROVING COOPERATIVE AGREEMENT NO. 10-177 AND COOPERATIVE AGREEMENT NO. 10-178 WITH THE STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION TO PROVIDE FOR LANDSCAPE ENHANCEMENT WITHIN AND NEAR THE BRIGGSMORE EXPRESSWAY INTERCHANGE, AND AUTHORIZING THE CITY MANAGER TO EXECUTE SAID AGREEMENTS.

WHEREAS, at the March 13, 2001, City Council Meeting, the Council authorized the City Manager to submit an application and negotiate an agreement for the use of Transportation Enhancement Activities (TEA) funds for a landscape beautification project within and near the Briggsmore / State Route 99 Interchange, and

WHEREAS, at that time, the City Council committed matching funds of up to $75,000 for this project from the General Fund, and

WHEREAS, the City was notified in Fall of 2002 that funding had been identified for this project and Amendment #34 to the Federal Transportation Improvement Program (FTIP) was approved, identifying $1,000,000 of State TEA funds, $200,000 of Regional TEA funds and $100,000 of Caltrans Minor Program funds for the Highway 99 Briggsmore Expressway Landscape Improvements Project, and

WHEREAS, in the Fall of 2002, City staff began working with Caltrans District 10 to prepare two cooperative agreements for the funding of the construction of landscape enhancements within and near the Briggsmore / State Route 99 Interchange, with said project area to include landscape enhancements to the Briggsmore Interchange and along State Route 99 for 0.5 miles to the south and 0.8 miles to the north of the Briggsmore Expressway along the northbound and southbound lanes, and

WHEREAS, the Cooperative Agreements also required the maintenance of the improvements to be paid for by the City of Modesto for three years from the time of
completion of construction, and after the initial three years of maintenance, the State of California will take responsibility for maintenance of the improvements indefinitely, and

WHEREAS, the Safety and Communities Committee met on August 4, 2003, and supported the recommendation to approve the Cooperative Agreements,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves Cooperative Agreement No. 10-177 and Cooperative Agreement No. 10-178 with the State of California - Department of Transportation to provide for landscape enhancement within and near the Briggsmore Expressway Interchange.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of September 2003, by Councilmember Frohman, 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: Conrad, Frohman, Jackman, Keating, O’Bryant, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher

Attest: ____________________________
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: ____________________________
MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2003-471

A RESOLUTION GRANTING APPROVAL FOR THE INTERNATIONAL FESTIVAL COMMITTEE TO CONDUCT AN INTERNATIONAL FESTIVAL IN THE CITY OF MODESTO, SUBJECT TO CERTAIN CONDITIONS, AND RESCINDING RESOLUTION NO. 2002-289

WHEREAS, the International Festival Committee (hereinafter referred to as the Committee) has filed a request with the City Council for permission to conduct the International Festival in the City of Modesto, and

WHEREAS, the International Festival is an annual event, which celebrates the ethnic and cultural diversity in the community, and the City co-sponsors the International Festival held annually each October, and

WHEREAS, the International Festival offers a variety of arts and crafts and food booths as well as entertainment, and the Committee has requested the use of Graceada and Enslen Parks for the International Festival, and

WHEREAS, the Committee has requested direct City assistance for the festival, and

WHEREAS, the Safety and Communities Committee met on August 4, 2003, and recommended supporting the proposed festival changes, and

WHEREAS, the Council has considered the request for direct City assistance with the International Festival activities, and the Council deems it appropriate to grant approval of the changes and assistance to the Committee relating to said request, subject to certain conditions,

NOW THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it does hereby approve the International Festival, subject to the conditions set forth,
relating to the Committee’s request for direct City Assistance with the International Festival activities.

1. The Committee will conduct the International Festival annually on Saturday and Sunday of the first weekend in October.

2. The event will be conducted from 11:00 a.m. to 9:00 p.m., on Saturday, and 11:00 a.m. to 7:00 p.m. on Sunday.

3. The committee will be allowed Festival setup on the day prior to the event from 9:00 a.m. to 9:00 p.m.

4. The City shall provide and set up the portable stage with awning at Graceada Park prior to 8:00 a.m. on Saturday for entertainment and will remove said stage after 7:00 p.m. on the final event day.

5. The City shall provide and set up the 30’ x 40’ awning at Graceada Park on Friday, and will remove said awning after 7:00 p.m. Sunday.

6. The City shall provide a portable PA system during the festival. The PA system is to be delivered on Saturday prior to 11:00 a.m. and picked up on Sunday at 5:00 p.m. The City shall provide staff for operation of the system.

7. The City shall allow the Committee the use of amplified instrumentation at the event during designated event times at a volume not to disturb the adjoining neighborhoods.

8. The Committee shall be responsible for providing a technician for electrical services for the food booths, sound systems, and light systems. The City shall provide a technician to connect the Committee’s sound system to the electrical power at Mancini Bowl.

9. The City shall allow the Committee the use of temporary signs and banners during the designated event time at Graceada and Enslen Parks.

10. The City shall allow use of a banner to be displayed in Graceada Park two weeks prior to the event date. Banner must be approved by City and Committee must pay for installation and removal of said banner by 12:00 noon on the Monday following the festival.

11. The City shall provide 60 garbage cans, liners and litter removal from the park site during the event. Garbage cans will be delivered on Friday, prior to the event and removed after the event on Monday.

12. The Committee shall be responsible for removing any and all trash, garbage or refuse left on private property.
13. The City shall provide the cost of mailing up to 800 pieces of information, not to exceed $300.00.

14. The Committee shall adhere to all Alcoholic Beverage Control requirements, specifically that all alcoholic beverages shall remain within the enclosed “beer & wine garden” sales area.

15. The Committee shall be responsible for providing portable toilets at the park site.

16. The City shall waive all City fees, including but not limited to, fire inspection and business license fees, and shall exempt festival from the sign ordinance during festival hours; however, the Committee shall be responsible for any and all other fees as may be required by other agencies.

17. The Committee shall provide its own hired, licensed and insured 24-hour security for the beer and wine garden as well as nighttime security.

18. The City will provide two police officers to exclusively patrol Graceada and Enslen Park. Officers would assist overnight private security from Saturday 9:00 pm until Sunday 6:00 am.

19. The City will provide shuttle bus service to Graceada Park; the route and times will be determined by the Director of Engineering and Transportation. The City will provide necessary barricades and signs for the shuttle service and will remove barricades and signs at the conclusion of the event.

20. The City will provide police assistance during the International Festival activities as deemed necessary by the Police Chief.

21. The City will provide barricades to be placed on the streets around the perimeter of Graceada and Enslen Parks to provide curbside parking for the Committee during the event.

22. The City will close Stoddard Avenue between Park and Enslen Avenues from Friday at 7:00 pm through Sunday at 7:00 pm. City staff will notify all neighbors within the surrounding area of this street closure.

23. All public improvements shall be left in the same condition as existed prior to the Festival.

24. All private and public property used as a result of the Festival, either directly or indirectly, shall be left in a safe and non-hazardous condition. Any obstructions to public or private use shall be removed by the Committee not later than 12:00 p.m. on Monday, after the event.
BE IT FURTHER RESOLVED that the following conditions shall apply to the request of the Committee relating to its International Festival:

1. That the City of Modesto shall indemnify and hold harmless the Committee from any and all liability, costs, damages, for injuries to persons or damage to property, which may arise out of or in any way be connected with the ordinary and customary condition of City property and facilities, or which may arise out of the negligent acts or omissions of any officer, agent, or employee of the City of Modesto.

2. That the Committee shall indemnify, defend and hold harmless the City of Modesto, its officers, agents and employees from any and all liability, costs, damages or injuries to persons or damage to property, which may arise out of or in any way be connected with the Committee’s International Festival and the use of the City facilities for the Committee’s International Festival.

3. That the Committee shall provide to the City Clerk current and valid certificate(s) of insurance that are in compliance with the City of Modesto Standard Insurance requirements. Such insurance, at a minimum, shall include Commercial General Liability coverage in a primary amount of not less than $1,000,000 per occurrence; include the City of Modesto, it’s agents, officers, employees, and volunteers, as an additional insured; provide the City with ten days’ written notice prior to cancellation, alteration or material changes in coverage. The Committee shall also file acceptable verification of coverage for legal liquor liability. Such verifications shall be submitted to the Risk Manager and shall meet with his approval one week prior to the date of the Festival. Upon approval, said verification shall be filed with the City Clerk.

BE IT FURTHER RESOLVED that the City Clerk shall furnish the Committee with a copy of this resolution. The Committee shall file a written acceptance of this resolution with the City Clerk, and no right shall be conferred hereby until said acceptance is filed.

BE IT FURTHER RESOLVED that City Council Resolution No. 2002-289 adopted June 2, 2002, is hereby rescinded.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of September, 2003, by Councilmember Frohman, 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: Conrad, Frohman, Jackman, Keating, O’Bryant, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher

Attest: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: [Signature]
MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NUMBER 2003-472


WHEREAS, the City of Modesto Police Department can make application to the U. S. Department of Justice, Bureau of Justice Assistance for the 2003 Local Law Enforcement Block Grant Program, and

WHEREAS, the program is of 24-month duration, and it includes the program area of procuring equipment and technology to enhance law enforcement, and

WHEREAS, the Police Department wishes to submit an application for various unmet equipment and technology needs, and

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

WHEREAS, the total grant project will be $176,584 of which the federal share is $158,926 and the local match is $17,658 and that match is available from the 2003 California Law Enforcement Equipment Program, and

WHEREAS, at its meeting of August 4, 2003, the Safety and Communities Committee unanimously supported making application for this grant, and

WHEREAS, as required by the dictates of this program, the Police Department will present a specific budget for equipment and technology to the Council of the City of Modesto, in a public hearing, after notification that the application has been accepted,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto, that it hereby authorizes submittal of an application for the 2003 Local Law Enforcement Block Grant for the purchase of police equipment and technology.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of September, 2003, by Councilmember Frohman, 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: Conrad, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers:

ATTEST: 

(SEAL)

APPROVED AS TO FORM:

By:

MICHAEL D. MILICH, City Attorney
A RESOLUTION APPROVING THE ADDITION OF TWO NEW POLICE CLERK POSITIONS IN THE MODESTO POLICE DEPARTMENT FOR THE PURPOSE OF OPERATING A LIVESCAN FINGERPRINTING SYSTEM

WHEREAS, the Modesto Police Department secured the funds for purchase of a LiveScan Fingerprinting System in the federal 2002 COPS MORE Grant, and

WHEREAS, the LiveScan Fingerprinting System is labor intensive and will require two, fulltime, Police Clerks to operate it, and

WHEREAS, LiveScan technology has become an excellent tool for conducting immediate background checks for a variety of job applicants and provides a valuable service to the citizens in our community, and

WHEREAS, the LiveScan Fingerprinting System is expected to earn sufficient revenue to support the cost of its maintenance and staffing, and

WHEREAS, unsuccessful LiveScan Fingerprinting programs have generally been a result of failing to adequately staff and effectively manage the service, and

WHEREAS, fees can be charged for LiveScan Fingerprinting services and those fees are expected to cover the costs of these two new Police Department positions, and

WHEREAS, at its meeting of August 4, 2003, the Safety and Communities Committee unanimously recommended approval of these two additional Police Clerk positions for the Modesto Police Department,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves two new Police Clerk positions in the Modesto Police Department to operate a LiveScan Fingerprinting System.
BE IF FURTHER RESOLVED that City staff is hereby authorized to hire the two
Police Clerks.

The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 2nd day of September, 2003, by Councilmember
Frohman, who moved its adoption, which motion being duly seconded by Council
member Jackman, was upon roll call carried and the resolution adopted by the following
vote:

AYES: Councilmembers: Conrad, Frohman, Jackman, Keating, O’Bryant,
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher

ATTEST: Jean Zahr, City Clerk

APPROVED AS TO FORM:

By: Michael Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NUMBER 2003-474

A RESOLUTION AMENDING THE FISCAL YEAR 2003/2004 ANNUAL
BUDGET ESTIMATING REVENUE AND APPROPRIATING FUNDS

WHEREAS, the Police Department secured funds for the purchase of a LiveScan
Fingerprinting System in the 2002 COPS MORE grant, and

WHEREAS, it can now be purchased and two new Police Clerks will operate it,

and

WHEREAS, fees for the fingerprinting services are projected to cover the costs of
the Police Clerks and the maintenance and operation of the LiveScan Fingerprinting
System,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that the 2003/2004 Annual Budget is hereby amended as indicated below:

**Expense:**

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Salaries
Benefits
Maintenance Expenses

Total $118,801

**Revenue:**

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Fingerprint Fees

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 2nd day of September, 2003, by Councilmember Frohman, 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: Conrad, Frohman, Jackman, Keating, O’Bryant, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher

ATTEST: 
JEAN ZAHR, City Clerk
(SEAL)

APPROVED AS TO FORM:

By: 
MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2003-475

A RESOLUTION AUTHORIZING THE AWARD OF BID AND CONTRACT FOR WATER METERS TO BADGER METERS INC., MILWAUKEE, WI FOR A THREE (3) YEAR AGREEMENT WITH TWO (2) ONE-YEAR EXTENSION OPTIONS

WHEREAS, the Operations and Maintenance Department Water Division has requested the purchase of water meters in various sizes, and

WHEREAS, these water meters will be used to service residential sites and commercial and industrial businesses within the City, and

WHEREAS, the purchase of new meters under the meter replacement program is for the replacement of non-operable and non-repairable water meters and for the installation of new metered service in new subdivisions, and

WHEREAS, for the past five years the City has purchased residential positive displacement meters and turbine meters from Badger Meters Inc., and in fiscal year 02/03 92% of these meters were purchased from Badger Meter Inc, and

WHEREAS, Badger Meters Inc. residential positive displacement meters are thermoplastic meters, which are 100% lead free and meet or exceed the requirements of Prop. 65 and NSF 61, and

WHEREAS, Badger Meters Inc. meters register measuring chamber and strainer can be replaced without removing the meter from the meter setting, does not require a special tool to remove the register and with large numbers on the display make the register easier and faster to read thus promoting better field efficiency, and

WHEREAS, Badger Meter Inc. commercial and turbine meters have a test port in the body housing and by having this port accuracy testing can be done in the field, and
WHEREAS, the Water Division is in the process of evaluating an automated meter reading system, and Badger Meter Inc. meters are compatible and interface with both brands of meter reading systems being evaluated, and

WHEREAS, in March 2003, Council approved Resolution No. 2003-127 authorizing the Purchasing Supervisor to formally solicit bids for water meters for the Operations and Maintenance Department Water Division, and

WHEREAS, the Purchasing Division solicited Request for Bid No. 0203-23, and

WHEREAS, six (6) vendors were solicited with two (2) vendors choosing to respond, one of which was a no-bid, and

WHEREAS, on May 20, 2003 bids were opened and recorded in the City Clerk’s office, and

WHEREAS, it is recommended by staff that the City award the contract for water meters to Badger Water Meters Inc., Milwaukee, WI, for an estimated annual cost of $410,297.13, for a three (3) year agreement with two (2) one-year extension options,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby awards the bid and contract for water meters to Badger Water Meters Inc. for an estimated annual cost of $410,297.13, for a three (3) year agreement with two (2) one-year extension options.

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to execute said contract.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of September, 2003, by Councilmember Frohman, 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: Conrad, Frohman, Jackman, Keating, O’Bryant, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher

ATTEST: Jean Zahr, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2003-476

A RESOLUTION ADOPTING RUN-OFF ELECTION PROCEDURES AND DIRECTING THE CITY CLERK TO FOLLOW THE PROCEDURES IN CONDUCTING ANY REQUIRED RUN-OFF ELECTION FOLLOWING THE REGULAR MUNICIPAL ELECTION DATE IN NOVEMBER, 2003, AND DIRECTING THE CITY ATTORNEY TO FILE AN ACTION IN SUPERIOR COURT IN THE EVENT THAT THE DECEMBER, 2003, RUN-OFF ELECTION "FAILS"

WHEREAS, the County Clerk/Recorder has informed the City that the County would not be able to conduct the 2003 December run-off election as presently provided for in the Modesto City Charter, and

WHEREAS, the County Clerk/Recorder stated that the County would not be able to conduct the City’s run-off election because it was anticipated that it would be necessary to use the entire 28-day canvassing period allowed under the Elections Code due to recent changes in California law pertaining to the conduct of elections, and

WHEREAS, the County Clerk/Recorder’s letter further states that in the event the full 28-day period allowed by law is utilized, there will not be sufficient time to mail the run-off ballots to voters ten days prior to the run-off date as required by the Elections Code, and that it would therefore be necessary for the City to conduct the December run-off in the event one was necessary, and

WHEREAS, it is not certain that the City proposed charter amendment changing the run-off date to March will be approved by the voters in the November, 2003 election, and
WHEREAS, it is prudent and necessary for the City Council to approve run-off election procedures to guide the City Clerk in conducting the December run-off election in the event one is necessary.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the run-off election procedures set forth in the staff report from the City Attorney and the City Clerk to the City Council dated August 15, 2003, are hereby adopted and the City Clerk is authorized and directed to follow said procedures in conducting the run-off election, and further, the City Attorney is directed to file the litigation described in said staff report in the event the December, 2003, run-off election “fails. (A copy of the staff report is attached as Exhibit A and incorporated herein by reference.)

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of September, 2003, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Keating, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Frohman, Jackman, Keating, O’Bryant

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher, Mayor Sabatino

ATTEST:

JEAN ZAHRI, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: MICHAEL D. MILICH, City Attorney
TO: Mayor and Councilmembers

FROM: Michael D. Milich, City Attorney
       Jean Zahr, City Clerk

SUBJECT: Run-Off Election Procedures

CONTACT: Michael D. Milich, City Attorney, mmilich@modestogov.com (577-5284)
         Jean Zahr, City Clerk, jzahr@modestogov.com (577-5396)

RECOMMENDED COUNCIL ACTION:

1. Resolution approving run-off election procedures and directing the City Clerk to follow
   the procedures in conducting any required run-off election following the regular
   municipal election date in November, 2003, and directing the City Attorney to file an
   action in Superior Court to do the following in the event that the December, 2003, run-off
   election “fails”: (1) Obtain an order prohibiting the City Clerk from canvassing the
   December 9, 2003, run-off election, (2) declare the December 9, 2003, run-off election
   nullified, and (3) request the Court to retain jurisdiction until the run-off election results
   are certified. (See Attachment A)

2. Resolution calling for a special election to be held on March 2, 2004, and requesting the
   Board of Supervisors of the County of Stanislaus to consolidate the special election with
   any other election to be held on that date pursuant to Section 10403 of the Elections Code
   for the purpose of holding a run-off election that might otherwise have been held on
   December 9, 2003. (See Attachment B)

BACKGROUND:

The Council will recall that on August 8, 2002, the County Clerk/Recorder, Lee Lundrigan,
delivered a letter to the City Clerk (see Attachment C) stating that the County would not be able
 to conduct the 2003 December run-off election as presently provided for in the Modesto City
 Charter. The County Clerk/Recorder stated in the letter that she would not be able to conduct the
 City’s run-off election because she anticipated it would be necessary to use the entire 28-day
canvassing period allowed under the law due to recent changes in the California Elections Code. The letter further states that in the event the full 28-day period allowed by law is utilized, there will not be sufficient time to mail the run-off ballots to voters 10 days prior to the run-off date as required by the Elections Code. So it will be necessary for the City to conduct the December run-off in the event one is necessary.

Due to the uncertainty about the passage of the charter amendment proposal changing the run-off date to March, we believe it is prudent and necessary for the City Council to approve run-off election procedures as soon as possible in order to “de-politicize” any required decisions concerning the December run-off. In that regard, we recommend that the City Council adopt the following run-off election procedures:

**SELECTION OF RUN-OFF CANDIDATES:**

- Establish November 14, 2003, at 5:00 p.m. as the date and time when the top two candidates will be chosen for purposes of printing the run-off ballots in those races where it appears that a run-off will be necessary. In those races where any candidate has more than 50% of the votes cast as of that date and time, no run-off ballots will be printed. The determinations provided for in this paragraph will be made based on the vote tabulation printed by the County Elections Office at that date and time.

- Immediately after said determinations have been made pursuant to these procedures, the City Clerk shall cause the necessary ballots to be printed.

- Prior to November 14, 2003, the City Clerk shall have caused the necessary mail ballot envelopes and any other election supplies to have been printed utilizing the services of the election supplier previously chosen by the City Council as set forth in Resolution No. 2003-292.

- In the event the County Clerk/Recorder does not utilize the full 28-day canvassing period, and the certified election results show that the incorrect names were chosen pursuant to the procedure set forth above, the following action shall be taken depending on at what point in the process the canvass is made:

  - If the canvass is made prior to the mailing of ballots then, provided there is sufficient time in the opinion of the election supplier, the City Clerk shall request an emergency reprint and incur any necessary additional cost and mail out the reprinted ballots prior to the 10-day deadline mandated by state law, or if there is not sufficient time to meet the 10-day deadline, the election shall be deemed to have “failed” and the City Attorney shall proceed with the litigation outlined below.

  - If the canvass of the County Clerk/Recorder shows that the incorrect names were chosen pursuant to the procedure outlined above and the ballots have already been mailed, then the run-off election shall be deemed to have “failed,” and the City Attorney shall proceed with the litigation outlined below.
CHARTER AMENDMENT:

According to the records of the general elections held on November 7, 2000, and November 5, 2002, the election results for measures on the ballot (as opposed to candidates) have never changed from the tabulation made on election day. (See Attachment D) Further, the greatest historical deviation from the approval or disapproval rate has been 2.9%. In accordance with this historical pattern we recommend the City Council adopt the following procedure with regard to the different scenarios that could result from the passage or failure of the charter amendment changing the run-off date.

- On November 14, 2003, at 5:00 p.m., the City Clerk shall obtain the vote tabulation printed by the County Elections Office at that date and time for the charter amendment measure. Depending on whether the approval rate is greater or less than 51% at said date and time, then the City Clerk shall proceed as follows:
  - If the approval rate at that date and time is 51% or more, the City Clerk shall proceed as if the measure will pass. If the measure does not pass, the resolution recommended below will become effective and the run-off will be held in March.
  - If the approval rate is less than 51%, then the City Clerk shall proceed as if the measure will fail. If the measure passes, the run-off election will be deemed to have “failed,” and it will be necessary to initiate the litigation described in the next paragraph.

LITIGATION:

- In the event said run-off election is deemed to have “failed” pursuant to these procedures, then the City Attorney is hereby directed to file an action in Superior Court to do the following:
  - Obtain an order prohibiting the City Clerk from canvassing the December 9, 2003, run-off election.
  - Declare the December 9, 2003, run-off election nullified.
  - Request the Court to retain jurisdiction until the run-off election results are certified.

DECISION TREE:

- Pursuant to these procedures there are eight (8) possible scenarios which are summarized in the attached “Decision Tree.” (See Attachment E)

In the event the charter amendment fails and pursuant to the procedures set forth above, the City Clerk has not printed and mailed ballots, or in the event the charter amendment fails, and incorrect names for the run-off ballots were chosen pursuant to procedure set forth above, it will
be necessary to call a special election for the purpose of holding the run-off. The next available
election date pursuant to the Elections Code is the first Tuesday in March. In order to hold a
special election on that date the City Council must adopt a resolution requiring consolidation no
later than 88 days prior to the first Tuesday in March, 2004. As a cautionary measure, we
recommend that the City Council adopt such a resolution now on condition that it not be
effective unless the circumstances described above occur.

The proposed resolution is attached.

In order to avoid allegations of conflict of interest, we also recommend that the Mayor and
Councilmember Conrad abstain from voting on this matter when it comes before the Council in
September. The precedent for this is the fact that Councilmembers Friedman and Smith also
abstained when the Council considered action related to the “failure” of the 2001 run-off
election.

COMMITTEE ACTION:

At its August 13, 2003, meeting the Finance Committee unanimously endorsed the staff
recommendation.

MICHAEL D. MILICH
City Attorney

JEAN ZAHR
City Clerk

Attachments:  (A) Council Resolution Adopting Run-Off Procedures
    (B) Council Resolution Calling for a Special Election
    (C) Letter from Clerk/Recorder
    (D) Historical Voting Information
    (E) Decision Tree

cc:    Jack R. Crist, City Manager
       George Britton Deputy City Manager
       Donna Hansen, Deputy City Manager
A RESOLUTION CALLING FOR A SPECIAL ELECTION TO BE HELD ON MARCH 2, 2004, AND REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS TO CONSOLIDATE THE SPECIAL ELECTION WITH THE STATE-WIDE PRIMARY ELECTION TO BE HELD ON THAT DATE PURSUANT TO SECTION 10403 OF THE ELECTIONS CODE FOR THE PURPOSE OF HOLDING A RUN-OFF ELECTION THAT WAS PREVIOUSLY SCHEDULED FOR DECEMBER 9, 2003

WHEREAS, in the event a proposed charter amendment changing the run-off date for municipal elections from December to March fails to pass and the December run-off election "fails," it will be necessary to reschedule the run-off election, and

WHEREAS, the City Council determines that in that event the run-off election should be held on the first Tuesday in March and consolidated with the state-wide primary.

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

1. That the City Council orders the City Clerk to submit the run-off election previously scheduled for December 9, 2003, to the voters on March 2, 2004.

2. That pursuant to the requirements of Section 10403 of the Elections Code, the Board of Supervisors of Stanislaus County is hereby requested to consent and agree to the consolidation of the special municipal election with the state-wide primary election on Tuesday, March 2, 2004, for the purpose of holding a run-off election that was previously scheduled for December 9, 2003, to elect the Mayor and members of Council for Chairs 1, 3, and 6.
3. That the County Elections Department is authorized to canvass the returns of the special run-off election. That the Board of Supervisors is requested to issue instructions to the County Elections Department to take any and all such steps necessary for the holding of the consolidated election.

4. That the City of Modesto recognizes that a cost will be incurred by the County by reason of this consolidation and agrees to reimburse the County for any such cost.

5. That the City Clerk is hereby directed to file a certified copy of this resolution of the Board of Supervisors and the County Elections Department of the County of Stanislaus.

6. That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

7. This resolution shall only be effective in the event the charter amendment fails, and the City Clerk has not printed and mailed ballots, or in the event the charter amendment fails, and incorrect names for the run-off ballots were chosen.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of September, 2003, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Keating, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Frohman, Jackman, Keating, O’Bryant

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher, Mayor Sabatino

ATTEST: Jeann Zahr

(SEAL)

APPROVED AS TO FORM:

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

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

WHEREAS, the 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 following classification:

Property and Evidence Specialist

The job specification for this classification is being amended as a result of updating the job specification as part of a job audit. The specification for the classification of Property and Evidence Specialist, as shown on the attached Exhibit “A”, which is hereby made a part of this resolution by reference, is hereby approved and made part of the Position Classification Plan of the City of Modesto.

Police Officer Trainee
The job specification for this classification is being amended as a result of a change to the experience and training guidelines required by time of appointment. The specification for the classification of Police Officer Trainee, as shown on the attached Exhibit “B”, which is hereby made a part of this resolution by reference, is hereby approved and made part of the Position Classification Plan of the City of Modesto.

SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after (date), 2003.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of September, 2003 by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Frohman was upon roll call carrier and the resolution adopted by the following vote:

AYES: Councilmember: Conrad, Fisher, Frohman, Jackman, Keating, O’Bryant, Mayor Sabatino

NOES: Councilmember: None

ABSENT: Councilmember: None

ATTEST: 

JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

by 

MICHAEL D. MILICH, City Attorney
EVIDENCE AND PROPERTY SPECIALIST

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 administrative and technical duties associated with the maintenance and control of police evidence and property; to protect the integrity of evidence throughout the judicial process; and to insure compliance with all State and local laws regarding the storage and disposition of property and evidence.

SUPERVISION RECEIVED AND EXERCISED

Receives general supervision from the Support Services Administrative Sergeant and/or other management staff within the Police Department Chain of Command.

May exercise functional and technical supervision over lower level staff.

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

Essential Functions

Receive and book evidence and found property including making computer entries, bar-coding, processing items for proper storage and making log entries as applicable.

Research the criminal court disposition of cases in order to dispose of evidence in a timely manner and in accordance with law.

Research for proper disposition all found property to attempt to return it to its legal owner as soon as possible.

Photograph items as necessary before being released to owners or Police Officers.

Maintain records of evidence tracking to insure the integrity of the evidence for courtroom use in prosecution of offenders.
Evidence and Property Specialist
NO. 4333

Testify in court regarding handling and chain-of-custody of evidence.

Work with management and supervisors to develop, maintain, and modify inventory and audit procedures in order to insure the security of the police evidence facility.

Receive laboratory samples, log in accordance with the evidence tracking procedures, and take or send to the appropriate laboratory for testing; store in accordance with recommended legal guidelines.

Maintain computer records or files on all evidence that shows how and when it came into the facility, left the facility, returned to the facility or its final disposition.

Issue equipment to officers and maintain stock of regularly issued equipment.

Stock and store ammunition for use by the department.

Use a variety of computer systems to conduct research on stolen property, to identify the disposition on cases, to find the identity and addresses of victims and suspects, and to determine the disposition of evidence.

Prepare a variety of paperwork and correspondence used in the tracking and control of firearms work sheets and logs for controlled tracking.

Research the computer system for DROS (Dealer registration of sale) on all guns. Make a recheck of all serialized weapons before destruction.

Prepare Notice Of Destruction notices for newspaper publication of unclaimed firearms and prepare items for destruction trips to the burn plant in compliance with department regulations and state laws.

Handle, package and dispose of hazardous materials such as medical/biological waste, illegal drugs or pharmaceuticals; handle, package and store bio-hazards such as: blood, semen, urine, or clothing covered in such hazards; and handle, package, store and dispose of large quantities of marijuana and marijuana plants which may contain pathogenic mold according to all safety procedures.

Prepare Court Affidavits for destruction of drugs and process through the Superior Court Judge and Court Recorder.

Inventory, audit and prepare auction lists on property being sold as unclaimed.

Train new supervisors; assign work and oversee hourly staff, and volunteers assigned to the facility.
Evidence and Property Specialist  
NO. 4333

Inventory and audit weekly deposits of money; prepare logs, transport and deposit monies through the city Finance Department.

Prepare Evidence Deficiency Notices, copy, distribute and track whether the problems are corrected.

Marginal Functions:

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Pertinent Federal, State and local laws, rules and regulations related to the collection, storage, and disposition of evidence.

Safety regulations related to the proper handling, storage and transportation of hazardous materials and biohazards.

General police science and the California Penal Code.

Principles and practices of armory control and maintenance.

Principles and practices of records management systems including inventory techniques.

Ability to:

Effectively account for evidence, police property/supplies, and organize and maintain accurate records and logs.

Understand, access and accurately interpret information from various computer systems such as: CLETS, CAPIS, DA Filing Computer System, DOJ, CAD and Probation.

Use a variety of office equipment, computer systems and software such as: Word, Access, Intranet, Microfiche, Voice Mail, GroupWise, scanners, fax, pagers, and copiers.

Work independently or as a member of a team to accomplish a variety of tasks involved in the job.

Take photographs and maintain records.

Lift and carry medium to heavy objects up to 75 lbs.
Evidence and Property Specialist
NO. 4333

Communicate effectively, both orally and in writing.

Interpret and apply Federal, State and local policies, procedures, laws and regulations.

EXPERIENCE AND TRAINING GUIDELINES

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

Experience:

One year of related experience in stores keeping, materials management, or warehousing. Prior experience in a law enforcement agency is highly desirable.

Education:

Equivalent to graduation from high school. Supplemental college coursework in criminal justice or a related field is highly desirable.

License or Certificate:

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

WORKING CONDITIONS

Environmental Conditions:

Warehouse and office environment; exposure to hazardous materials and biohazards.

Physical Conditions:

Essential and marginal functions may require maintaining physical condition necessary for walking, standing, bending and stooping, or sitting for prolonged periods of time, lifting and carrying up to 75 lbs., using a personal computer and other office equipment and traveling from site to site.

Work Assignment:

Must be willing to work various shifts as assigned including weekends and holidays.
POLICE OFFICER / POLICE OFFICER 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 perform law enforcement and crime prevention work; to control traffic flow and enforce State and local municipal codes, violations and traffic regulations; to perform investigative work; to participate in and provide support and assistance to special crime prevention and enforcement programs; and to perform a variety of technical and administrative tasks in support of the department.

DISTINGUISHING CHARACTERISTICS

Police Officer Trainee - This is the entry-level class in the sworn Police Officer series. This class is distinguished from the Police Officer by the performance of the more routine tasks and duties assigned to positions within the series. Since this class is typically used as a training class, employees may have only limited or no directly related work experience.

Police Officer - This is the full journey level class within the Police Officer series. Employees within this class are distinguished from the Police Officer Trainee by the performance of the full range of duties as assigned including the full range of law enforcement work. Employees at this level receive only occasional instruction or assistance as new or unusual situations arise, and are fully aware of the operating procedures and policies of the work unit.

SUPERVISION RECEIVED EXERCISED

Receives general supervision from higher level supervisory and management staff.

Exercises technical supervision over non-sworn personnel.

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

Essential Functions

Patrol a designated area of the City to preserve law and order, discover and prevent the commission of crimes, and enforce traffic and other laws and ordinances; assist stranded motorists.
Answer calls and complaints involving automobile accidents, robberies, and related misdemeanors and felonies; render first aid as required.

Respond to general public service calls including animal complaints, domestic disturbances, civil complaints, property control, and related incidents.

Collect, process, photograph and present evidence using scientific techniques including fingerprints, fibers, blood, and related physical evidence.

Check buildings for physical security.

Serve as Field Training Officer as assigned; train new officers on departmental policies, procedures and activities.

Enforce traffic laws and ordinances; check speed with radar; issue warnings and citations.

Direct traffic at fire, special events, and other emergency or congested situations.

Conduct investigations of serious injury and fatality traffic accidents.

Conduct traffic accident analyses and general traffic surveys.

Conduct a variety of criminal investigations involving crimes against persons and property, auto theft, white-collar crime, and narcotics; gather evidence and prepare cases for prosecution.

Identify suspects; conduct interviews and interrogations; apprehend and arrest offenders.

Teach bicycle safety in accordance with State agencies.

Contact and interview victims and witnesses; preserve and investigate crime scenes.

Conduct covert, undercover investigations as assigned.

Contact and cooperate with other law enforcement agencies in matters relating to the apprehension of offenders and the investigation of offenses.

Maintain contact with citizens regarding potential law enforcement problems and preserve good relationships with the general public; take an active role in areas of public education relative to crime and crime prevention.

Assist in the performance of special investigative and crime prevention duties as required.
Police Officer/Police Officer Trainee
NO. 7115
NO. 7120

**Essential Functions (Continued)**

Prepare reports on arrests made, activities performed and unusual incidents observed.

Make arrests as necessary; interview victims, complainants and witnesses; interrogate suspects; administer polygraph tests; gather and preserve evidence; testify and present evidence in court.

Serve warrants within the department and with outside agencies; remain current on laws and procedures required for processing warrants.

Serve as Assistant Squad Leader performing the duties of a Police Sergeant as assigned; act as Watch Commander; review and approve the reports of other Police Officers.

Perform a wide variety of laboratory tests and procedures including those related to narcotics testing; act as Department photographer; testify in court as an expert witness.

Serve as Department Training Manager; review and assess training needs and available programs; oversee and coordinate the attendance of Departmental staff at training programs and seminars; research policies and procedures related to training activities.

Serve as Crime Prevention Officer; oversee and coordinate crime prevention activities; make presentations to local citizens and community groups.

Serve as Intelligence Officer or Gang Officer; gather crime related intelligence information and conduct background investigations; coordinate information and activities with outside agencies and jurisdictions.

Investigate juvenile related crimes including child abuse and juvenile narcotics; coordinate youth services with outside agencies and organizations including local school districts; conduct community presentations and instruct assigned classes.

Participate in recruiting sworn staff; conduct background investigations; interview potential job candidates and references; administer voice stress analysis tests.

Give oral presentations at schools, clubs and other community organizations.

Act as Department court liaison.

**Marginal Functions:**

Perform related duties as assigned.
QUALIFICATIONS

Police Officer Trainee

Ability to:

Learn proper Police procedures and methods.

Analyze situations quickly and objectively, and determine and take emergency and/or appropriate action.

Understand and carry out oral and written instructions.

Communicate effectively, both orally and in writing.

Learn the operation of standard equipment and facilities required in the performance of assigned tasks including a computer.

Type at a reasonable speed necessary for successful job performance (25 wpm).

Learn standard broadcasting procedures of a police radio system including mobile dispatch terminals.

Meet the physical requirements established by the Department.

Prepare accurate and grammatically correct written reports.

Use and care for firearms.

Use maps and learn City geography.

Handle multiple assignments.

Perform occasional medium-heavy lifting up to 75 lbs.

Police Officer

In addition to the abilities listed for Police Officer Trainee:

Knowledge of:

Police methods and procedures including patrol, crime prevention, traffic control, investigation and identification techniques.
Criminal law and criminal procedure with particular reference to the apprehension, arrest and custody of persons committing misdemeanors and felonies, including rules of evidence pertaining to the seizure and preservation of evidence.

Offensive and defensive weapons nomenclature and theory.

Self defense tactics.

First aid and CPR procedures and practices.

Interviewing and interrogation techniques.

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:

**Police Officer Trainee**

**Experience:**

None required.

**Training:**

Equivalent to the completion of the twelfth grade and completion of a minimum of 30 units of college coursework from an accredited college or university. Possession of an Associate of Arts degree is desirable.

**License or Certificate:**

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

Police Officer Trainees must be currently attending or completed a POST certified Basic Law Enforcement Academy. Proof of completion of a POST certified Basic Law Enforcement Academy is required by time of appointment. Certificate must be dated within three years.

**Additional Requirement:**

Minimum of 21 years of age at time of application.
Police Officer

Experience:

One year experience in a California law enforcement agency, which requires a Basic POST certificate.

Training:

Equivalent to the completion of the twelfth grade and completion of a minimum of 30 units of college coursework from an accredited college or university. Possession of an Associate of Arts degree is desirable.

License or Certificate

Possession of an appropriate, valid California driver’s license.

Possession of a Basic POST Certificate from the State of California.

WORKING CONDITIONS

Environmental Conditions:

Field environment; travel from site to site.

Physical Conditions:

Essential and marginal functions may require maintaining physical condition necessary for walking or standing for prolonged periods of time; operating motorized equipment and vehicles and medium/heavy occasional lifting up to 75 lbs.
A RESOLUTION AMENDING EXHIBIT "A" OF RESOLUTION NO. 95-26 TO REVISE THE CLASS RANGE TABLE FOR GENERAL NON-SWORN CLASSES TO CHANGE EVIDENCE AND PROPERTY SPECIALIST FROM (RANGE 111) TO (RANGE 114).

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

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

SECTION 1. AMENDMENT TO RESOLUTION NO. 95-26. Exhibit "A" entitled "City of Modesto Class Range Table General Non-Sworn Classes Effective January 10, 1995," attached to Resolution No. 95-26, is hereby amended as shown on the amended Exhibit "A" entitled "City of Modesto Class Range Table General Non-Sworn Classes Effective September 9, 2003," which is attached hereto and made a part hereof as though set forth in full herein. Said amended Exhibit "A" changes the salary range for Evidence and Property Specialist from Range 111 to Range 114.

SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after September 9, 2003.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of September, 2003 by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Frohman was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmember: Conrad, Fisher, Frohman, Jackman, Keating, O’Bryant, Mayor Sabatino

NOES: Councilmember: None

ABSENT: Councilmember: None

ATTEST: Jean Zahr, City Clerk

(SEAL)

APPROVED AS TO FORM:

by Michael D. Milich, City Attorney
<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
</tr>
</thead>
</table>
| 101   | Custodian I  
       | Maintenance Aide |
| 103   | Administrative Office Assistant I |
| 104   |       |
| 105   |       |
| 106   |       |
| 107   | Administrative Office Assistant II  
       | Custodian II  
       | Police Clerk I |
| 108   |       |
| 109   |       |
| 110   | Animal Control Officer I  
       | Security Officer  
       | Equipment Service Worker I  
       | Maintenance Worker I |
| 111   | Account Clerk  
       | Administrative Office Assistant III  
       | Police Clerk II |
| 112   |       |
| 113   | Administrative Technician  
       | Computer Operator  
       | Drafting and Graphics Technician |
| 114   | Electrical Technician I  
       | Equipment Service Worker II  
       | Evidence and Property Specialist  
       | Maintenance Worker II  
       | Production Technician  
<pre><code>   | Storeskeeper |
</code></pre>
<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
</tr>
</thead>
</table>
| 115   | Accounting Technician  
|       | Animal Control Officer II  
|       | Assistant to the Events Coordinator  
|       | Code Enforcement Officer I  
|       | Community Service Officer I  
|       | Planning Technician I  
|       | Senior Administrative Office Assistant  
|       | Wastewater Treatment Plant Attendant |
| 116   | Equipment Operator  
|       | Fire Prevention Technician I  
|       | Motor Sweeper Operator  
|       | Traffic Operations Technician  
|       | Used Oil Coordinator  
|       | Wastewater Collection System Operator  
|       | Water Distribution System Operator |
| 117   | Electrical Technician II |
| 118   | Fleet Procurement Specialist  
|       | Parking Lot Maintenance Crewleader  
|       | Parks Crewleader  
|       | Recreation Coordinator  
|       | Senior Storeskeeper  
|       | Tree Trimmer |
| 119   | Assistant Buyer  
|       | Building Maintenance Mechanic  
|       | Civil Engineering Technician I  
|       | Code Enforcement Officer II  
|       | Community Service Officer II  
|       | Maintenance Mechanic – Parks  
|       | Maintenance Mechanic – Pumps  
|       | Planning Technician II  
|       | Public Information Technician  
<p>|       | Wastewater Treatment Plant Operator |</p>
<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
</tr>
</thead>
</table>
| 120   | Accountant I  
       | Assistant Electrician  
       | Equipment Mechanic  
       | Fire Prevention Technician II  
       | Laboratory Analyst I  
       | Meter Reader Crewleader  
       | Senior Equipment Operator  
       | Traffic Painter Crewleader  
       | Water Resource Specialist I  
       | Welder/Fabricator |
| 121   | Wastewater Treatment Plant Relief Operator |
| 122   | Coach Mechanic  
       | Cross Connection Specialist  
       | Fire Equipment Mechanic  
       | Law Enforcement Academy Recruit  
       | Programmer Analyst I  
       | Tree Trimmer Crewleader  
       | Water Conservation Specialist |
| 123   | Airport Maintenance Crewleader  
       | Civil Engineering Technician II  
       | Identification Technician I  
       | Maintenance Mechanic Crewleader – Parks |
| 124   | Community Development Program Specialist I  
       | Environmental Compliance Inspector I  
       | Equipment Mechanic Crewleader  
       | Laboratory Analyst II  
       | Operation and Maintenance Crewleader  
       | Planning Assistant  
       | Plant Mechanic  
       | Water Resource Specialist II |
| 125   | Crime Analyst |
| 126   | Building Inspector I  
       | Coach Mechanic Crewleader  
       | Electrician  
       | Housing Financial Specialist  
<pre><code>   | Housing Rehabilitation Specialist I |
</code></pre>
<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
</tr>
</thead>
</table>
| 127   | Civil Engineering Assistant  
       | Identification Technician II  
       | Senior Fire Equipment Mechanic |
| 128   | Community Development Program Specialist II  
       | Environmental Compliance Inspector II  
       | Instrument Repair Technician  
       | Programmer Analyst II  
       | Sr. Wastewater Treatment Plant Operator |
| 129   | Building Inspector II  
       | Construction Inspector  
       | Housing Rehabilitation Specialist II  
       | Project Coordinator |
| 130   | Sr. Civil Engineering Assistant |
| 132   | Sr. Environmental Compliance Inspector |
| 133   | Deputy Fire Marshal  
       | Plan Review Engineer  
       | Senior Building Inspector  
       | Senior Construction Inspector |
A RESOLUTION APPROVING A PROFESSIONAL SERVICE CONTRACT WITH MEAD & HUNT, INC., AIRPORT ENGINEERS, IN THE AMOUNT OF $99,808 TO PROVIDE RUNWAY 10L/28R CONSTRUCTION INSPECTION, TESTING, AND ADMINISTRATION FOR MODESTO CITY-COUNTY AIRPORT, AND AUTHORIZING THE CITY MANAGER OR HIS DISIGNEE TO EXECUTE THE CONTRACT ON BEHALF OF THE CITY

WHEREAS, Runway 10L/28R at Modesto City-County Airport is scheduled for reconstruction and the project has a critical path that requires full-time resident engineer/inspector oversight, and

WHEREAS, the firm of Mead & Hunt, Inc. completed the project plans and specifications for the City, and the firm possess the technical expertise required for the construction inspection, testing, and administration, and

WHEREAS, staff has negotiated what is considered reasonable fees for the construction inspection and administration with Mead & Hunt, inc., and

WHEREAS, the City Attorney's Office finds the terms of the contract acceptable, and

WHEREAS, City staff has received the Federal Aviation Administration's verbal approval that allows the firm of Mead and Hunt to provide the runway construction inspection and administration,

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the professional services contract amounting to $99,808 for Mead & Hunt, Inc. to provide inspection, testing, and construction administration for Modesto City-County Airport’s RW 10L/28R reconstruction project.
BE IT FURTHER RESOLVED that the City Manager, or his authorized designee, is authorized to execute the professional services contract with Mead & Hunt, Inc. 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 9th day of September, 2003 by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Frohman was upon roll call carrier and the resolution adopted by the following vote:

AYES: Councilmember: Conrad, Fisher, Frohman, Jackman, Keating, O’Bryant, Mayor Sabatino

NOES: Councilmember: None

ABSENT: Councilmember: None

ATTEST: Jean Zahr
JEAN ZAH/R City Clerk

(SEAL)

APPROVED AS TO FORM:

by Michael D. Milich, City Attorney
A RESOLUTION TO APPROVE THE ACCEPTANCE OF AN ADDITIONAL $1.0 MILLION IN FEDERAL FUNDS FOR PROJECTS TO EXPAND THE AIRPORT TERMINAL PARKING LOT AND FOR THE REHABILITATION OF THE PAVEMENT IN THE GENERAL AVIATION HANGAR AREA AT MODESTO CITY-COUNTY AIRPORT AND ACKNOWLEDGING THAT THE CITY MANAGER, OR HIS DESIGNEE, HAS ALREADY ACCEPTED THE FEDERAL GRANT ON BEHALF OF THE CITY

WHEREAS, the City Council on January 2, 2002, authorized staff to file an application for Airport Improvement Program funds for various airport projects including reconstruction of the commercial service runway (RW 10L/28R) at the airport, a project to expand the passenger parking adjacent to the airport terminal, and a project to reconstruct the taxilanes in the general aviation hangar area, and

WHEREAS, the runway project, and the project to construct additional parking lot and to rehabilitate the general aviation area taxilanes are in the Airport’s Fiscal Year 2004 Capital Improvement Program budget, and

WHEREAS, the deadline for acceptance of the grant was August 29, 2003, and August 12, 2003, was the last meeting of the City Council in August, and

WHEREAS, it was not until August 19, 2003 that officials of the Federal Aviation Administration could tell City staff with any certainty that funding for the parking lot expansion and taxilanes rehabilitation would be awarded, and

WHEREAS, by Resolution No. 2003-436, the Council accepted an estimated $1.5 Million grant and authorized the City Manager to execute same, and

WHEREAS, on August 27, 2003, the FAA delivered to the City an Airport Improvement Program grant in the total amount of $2.5 million ($1.0 million entitlement funds for the parking lot expansion and taxilane improvements/$1.5 million discretionary funds for the reconstruction of RW 10L/28R) and required that the grant be accepted by the City not later than August 29, 2003, and
WHEREAS, FFA policy prescribes that airport sponsors must provide resolutions for all funds accepted, and
WHEREAS, City staff requests that by resolution, Council formally accept the additional $1 Million in available grant funds (as part of the $2.5 Million total grant) and acknowledges that the City Manager, or his designee, has already accepted the federal grant on behalf of the City,

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves accepting an additional $1.0 Million of federal airport program funds for the construction of an additional airport terminal parking lot and rehabilitation of general aviation area taxilanes at Modesto City-County Airport (as part of a total $2.5 Million grant from the Federal Aviation Administration).

BE IT FURTHER RESOLVED that Council hereby acknowledges and authorizes the action already taken by the City Manager, or his designee, in accepting the grant prior to the August 29, 2003, deadline.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of September, 2003 by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Frohman was upon roll call carrier and the resolution adopted by the following vote:

AYES: Councilmember: Conrad, Fisher, Frohman, Jackman, Keating, O’Bryant, Mayor Sabatino

NOES: Councilmember: None

ABSENT: Councilmember: None

ATTEST: Jean Froh

JEAN ZAHRE, City Clerk

(SEAL)

APPROVED AS TO FORM:

by Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2003-482

A RESOLUTION ACCEPTING THE PROJECT TITLED “EAST BROADWAY AVENUE/STATE ROUTE 219 WATERLINE RELINING” AS COMPLETE

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled “East Broadway Avenue/State Route 219 Waterline Relining”, has been completed by Detrick Corporation, in accordance with the contract agreement dated January 15, 2002,

NOW, THEREFORE, BE IT RESOLVED that the “East Broadway Avenue/State Route 219 Waterline Relining” project be accepted from said contractor, Detrick Corporation, that the notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due totaling $124,399.81 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 9th day of September, 2003 by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Frohman was upon roll call carrier and the resolution adopted by the following vote:

AYES: Councilmember: Conrad, Fisher, Frohman, Jackman, Keating, O’Bryant, Mayor Sabatino

NOES: Councilmember: None

ABSENT: Councilmember: None

ATTEST: Jean Zahr, City Clerk

(SEAL)

APPROVED AS TO FORM:

by Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2003-483

A RESOLUTION INCREASING THE ENGINEERING AND TRANSPORTATION DIRECTOR'S AUTHORITY LEVEL TO ISSUE CHANGE ORDERS FROM $25,000 TO $45,200 ON THE “EAST BROADWAY AVENUE/STATE ROUTE 219 WATERLINE RELINING” PROJECT.

WHEREAS, on January 15, 2002, the City Council awarded a $79,216.00 contract to Detrick Corporation to construct the East Broadway Avenue/State Route 219 Waterline Relining project, and

WHEREAS, the contractor started work on April 8, 2002, and the work is complete, and

WHEREAS, during the course of construction, the contractor was required to perform additional work that was not covered under the original contract which resulted in ten change orders, and

WHEREAS, the total cost of the extra work is $45,183.81, an amount which exceeds the Director’s authority for the project as established by the Council’s Change Order Approval Policy adopted by Resolution No. 94-443 on July 19, 1994, and

WHEREAS, the Director currently has authority to approve change orders up to a cumulative amount of $25,000,

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby increases the Engineering and Transportation Director’s authority level to issue change orders, from $25,000 to $45,200 for the project entitled “East Broadway Avenue/State Route 219 Waterline Relining.”
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of September, 2003 by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Frohman was upon roll call carrier and the resolution adopted by the following vote:

AYES: Councilmember: Conrad, Fisher, Frohman, Jackman, Keating, O’Bryant, Mayor Sabatino

NOES: Councilmember: None

ABSENT: Councilmember: None

ATTEST: 
JEAN ZAHN, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney

2003-483
MODESTO CITY COUNCIL
RESOLUTION NO. 2003-484

A RESOLUTION AWARDING A $192,744 CONTRACT TO HDR
ENGINEERING, INC., FOR ENGINEERING DESIGN SERVICES FOR THE
PROJECT TITLED “REPLACEMENT OF THE LA LOMA AVENUE SEWAGE
LIFT STATION”

WHEREAS, following a Request for Qualifications which was sent to 84
engineering firms, 11 qualification statements for the design of the La Loma Avenue
Sewage Lift Station were submitted to the City, and

WHEREAS, from the 11 qualification statements received, 2 of the most qualified
firms were short-listed to receive a Request for Proposal and interview, and

WHEREAS, the proposals and interviews for the engineering design services for
said project were rated by the selection team, and HDR Engineering, Inc., was rated
highest, in accordance with Administrative Directive 3.1, and

WHEREAS, the Engineering and Transportation Director has recommended that
HDR Engineering, Inc., be accepted as the most qualified engineering consulting firm,
and

WHEREAS, the Engineering & Transportation Director has recommended
accepting the proposal of HDR Engineering, Inc., in an amount not to exceed $192,744,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that it hereby awards a contract for engineering design services for the project titled “La
Loma Avenue Sewage Lift Station,” to HDR Engineering, Inc., in an amount not to
exceed $192,744.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby
authorized to execute the contract.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of September, 2003 by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Frohman was upon roll call carrier and the resolution adopted by the following vote:

AYES: Councilmember: Conrad, Fisher, Frohman, Jackman, Keating, O’Bryant, Mayor Sabatino

NOES: Councilmember: None

ABSENT: Councilmember: None

ATTEST: Jean Zahr, City Clerk

(SEAL)

APPROVED AS TO FORM:

by Michael D. Milich, City Attorney
A RESOLUTION APPROVING AN AGREEMENT WITH KOEGLER CONSULTING GROUP TO CONDUCT AN ASSET INVENTORY AND VALUATION ASSESSMENT OF PARKS, TRAILS, RECREATION FACILITIES AND RECREATION PROGRAMS, AT A COST NOT TO EXCEED $11,500 PLUS EXPENSES, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT.

WHEREAS, in recent years the City of Modesto Parks, Recreation and Neighborhoods Department has faced an increase in the demand for services and the prospect of dwindling resources, and

WHEREAS, the City of Modesto Parks, Recreation and Neighborhoods Department, wishing to be proactive in securing future funding for its programs, developed a Fund Development Strategies and Actions document, and

WHEREAS, the Modesto City Council adopted Resolution 2003-95 accepting the Fund Development Strategies and Actions as recommended by the Parks, Recreation and Neighborhoods Department and directing staff to develop specific funding plans, and

WHEREAS the Fund Development Strategies and Actions recommends that staff pursue an Asset Inventory and Valuation Assessment of parks, trails, recreation facilities and recreation programs, and

WHEREAS, City staff has concluded that Koegler Consulting Group is the most qualified to conduct an Asset Inventory and Valuation Assessment for the City of Modesto based on noteworthy successes in the field of fund development in parks and recreation systems, and

WHEREAS, Koegler Consulting Group has agreed to perform the required work as set forth in the “Scope of Work” attached hereto as Exhibit “A”, at a cost not to exceed $11,500, plus expenses, and
WHEREAS, the Safety and Communities Committee, during its August 4, 2003 meeting, supported the concept of an Asset Inventory and Valuation Assessment of parks, trails, recreation facilities and recreation programs,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Agreement with Koegler Consulting Group to conduct an Asset Inventory and Valuation Assessment of parks, trails, recreation facilities and recreation programs as described in the Scope of Work, attached hereto as Exhibit “A”, and incorporated herein by reference.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of September, 2003 by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Frohman was upon roll call carrier and the resolution adopted by the following vote:

AYES: Councilmember: Conrad, Fisher, Frohman, Jackman, Keating, O’Bryant, Mayor Sabatino

NOES: Councilmember: None

ABSENT: Councilmember: None

ATTEST:   JEN ZAH
JEAN ZAH, City Clerk

(SEAL)

APPROVED AS TO FORM:

by 
MICHAEL D. MILICH, City Attorney
EXHIBIT “A”

Scope of Work

General Scope and Purpose
To develop strategies and vehicles that will provide the Modesto Parks, Recreation and Neighborhoods Department with new opportunities for revenue generation. The areas of emphasis will be:

- Long-term endowment monies for maintenance, operation, and renovation of specified existing and proposed facilities and programs. These monies may come from individuals, foundations, or corporations. Special attention will be given to future projects such as the Virginia Corridor Trail and Grogan Park.

- Short-term exclusive vendor contracts that could produce additional funds for operation and specific renovations.

- Identification of facilities and programs that would be potential candidates for a corporate naming rights program.

PROCESS

A. Koegler Consulting will conduct an inventory and assessment of all existing parks, facilities, and trails within the system. This on-site inventory will require 2 – 3 days. The department will need to provide a guide for this inventory that has general knowledge of the facilities.

B. Koegler Consulting will review any and all master plan projects and projections that apply to the facility inventory.

C. Based on the results of the inventory, specific facilities will be identified that have the maximum potential for legacy endowments. The list will be reviewed with management and after agreement, each project/facility will be developed utilizing a customized pricing formula designed specifically for the parks department. This process will include interviews with key staff of each individual facility, and the review of financials for each facility cost center. These interviews can be accomplished electronically.

D. During the information gathering process, data will be assessed for recommendations concerning vendor agreements and identification of facilities that would be attractive to corporations for short-term naming rights.

E. Koegler Consulting will make specific recommendations and provide a template for use by the department in the development of a customized “Naming Policy and
Procedures” manual. The actual manual must be produced by the legal council of the Parks Department, usually the city attorney or solicitor, and include all applicable state and local ordinances and laws that would apply. This process can be accomplished electronically.

Items to be included: naming policies; plaque sizes, types, mounting specs, locations, etc. for each type of naming opportunity; protocol for media promotion of gifts; protocol for recognition events based on gift size and type; additional policies and procedures that may be necessary to implement the Legacy Endowment Program.

F. Based on all information collected, a “template” for a gifting catalog will be provided by Koegler Consulting. It will include a projected list of facilities and programs with an agreed upon “naming price list” based on operational, renovation, capital, and projected endowment expenses. The data can then be developed into an informational and marketing brochure by Modesto Parks staff or a professional advertising and marketing company. Koegler Consulting will review and make recommendations of all drafts.

G. Two professional presentations will be included in the project. They will be up to 1 ½ hours each and the content will be customized based on the needs of the department. One may be a presentation to city council outlining the successes of other communities including the Oglebay Foundation and conceptually presenting the program being developed by the parks department. A second presentation could be at the conclusion of the project and be directed to the community foundation trustees and local community leaders and be a “campaign kick-off.” These presentations will be flexible and will include the guidance of the director of the parks department. Specific groups, dates, times, and location will be decided after the initiation of the contract.

STAFF INVOLVEMENT

The department staff will need to be involved in the on-site tour. They will need to provide existing master plan information and current operating financials for identified facilities and programs and be involved in the process of approving and modifying recommendations of the consultant and implementing any and all approved programs. The initial estimate of staff time would be considered nominal with the majority of the time involved in the approval and implementation process. Should a facility not have a master plan with renovation costs or construction costs, appropriate staff would be required to assist in projecting construction and operating costs on a case-by-case basis.
FINAL PRODUCTS

A. Template for the development of a “gifting catalog” including a number of facilities and programs from each park area and a scale with a monetary range from $1,000 to multiple millions. The information and data will be in a format that can be easily developed into a brochure/catalog by a professional advertising agent.

B. The project will produce a customized formula for pricing future facilities and programs based on the original gifting catalogs processes and final benchmarking.

C. A naming rights policy and procedure manual specifically designed for the Modesto Parks, Recreation and Neighborhoods Department.

D. Recommendations on exclusive vendor contracts including types, locations, contract wording, and projected potential contractual financial benefits.

E. Identification of any and all facilities and programs that by their nature and use would be candidates for corporate naming rights programs. This list can then be further developed, if so desired, with the assistance of a corporate naming rights specialist or consultant.

F. Specific language for design agreements

TIMELINE

Sept./Oct. 2003
On-site evaluation, inventory, interviews. Possible presentation to city council. 3 – 4 days – Late September, Early October

Oct./Nov. 2003
Review of all materials - data accumulation. Formulation of “first draft” of gifting catalog and asset inventory.

December 2003
On-site report of preliminary findings and recommendations. Additional interview and fact-finding. 1 – 2 days

Jan./Feb. 2004
Complete project components for final presentation

Feb./March 2004
On-site final project presentation to staff – Possible date for presentation to community foundation and community leaders.

April/May 2004
On-going oversight into final preparation of gifting catalog and “kick-off” marketing campaign.

The project, as outlined, includes three on-site visits and two professional presentations to community groups.

- 17 -
Exhibit "B"

**CONTRACTUAL REGULATIONS AND FEE STRUCTURE**

**Process A – G**
**Final Products A – E**  $11,500

*Timeline:* All work will be completed by May 1st, 2004 assuming the contract is signed by September 1st, 2003.

*Travel:* All travel must be mutually agreed upon and will be at an additional expense. Generally coach air, mid-sized rental car, daily meal per diem, business hotel.

Acceptance of this proposal will constitute a nonexclusive, nontransferable, limited license to (a) utilize the consultation and recommendations solely by the Modesto Parks, Recreation and Neighborhoods Department, (b) reproduce the recommendations, publications, or report only for limited purpose and use of the park system in carrying out the programs therein described and (c) refrain from reproducing the recommendations, publication, or report, or any part thereof, for any use by any parties who are not named in this agreement.

Neither the recommendations, publications or report, nor any right hereunder may be assigned, sublicensed or otherwise transferred in whole or in part by the Modesto Parks, Recreation and Neighborhoods Department to any other party.

Koegler Consulting does not warrant any specific results from the adoption or implementation of the programs described in the completed report, since all such results will be primarily based on the effort in implementing and pursuing the recommendations of the project.

Koegler Consulting requires a retainer fee of $1,500 upon the signing of the contract. Billing will be periodic, based on a percentage of the work completed. Travel expenses will be billed as incurred.
MODESTO CITY COUNCIL
RESOLUTION NO. 2003-486

A RESOLUTION APPROVING A ONE-YEAR LEASE RENEWAL WITH STANISLAUS COUNTY AFFORDABLE HOUSING CORPORATION (STANCO) FOR THE USE OF CITY OWNED HOUSE AT 308 LOCUST STREET BY STANCO’s TRANSITIONAL HOUSING PROGRAM, AT THE COST OF $1.00.

WHEREAS, in 1988, the City received the property at 308 Locust Street during the foreclosure process on a housing rehabilitation loan and this house was then used for temporary relocations for households being required to move while their units were being rehabilitated under the Housing Maintenance Program, and

WHEREAS, in 1997, the City began leasing the home to Stanislaus County Affordable Housing Corporation (STANCO) at the cost of $1.00 per year, inasmuch as the house was not needed for relocations at that time and had been vacant, and

WHEREAS, STANCO has expressed their interest in renewing the lease which expired on July 13, 2003, and

WHEREAS, City staff anticipates relatively few temporary relocations from the Housing Maintenance Program during the next year and does not feel the home would be used enough to deny STANCO’s full-time use of the house, and

WHEREAS, the new lease has been signed by STANCO, and

WHEREAS, this item was recommended for approval by the Citizens Housing and Community Development Committee at its August 22, 2003, meeting,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a one-year lease renewal with Stanislaus County Affordable Housing Corporation (STANCO) for the use of a city-owned house at 308 Locust Street by STANCO’s transitional housing program, at the cost of $1.00.
BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the lease agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of September, 2003 by Councilmember Conrad, who moved its adoption, which motion being duly seconded by Councilmember Frohman was upon roll call carrier and the resolution adopted by the following vote:

AYES: Councilmember: Conrad, Frohman, Jackman, Keating, O’Bryant, Mayor Sabatino

NOES: Councilmember: None

ABSENT: Councilmember: Fisher

ATTEST: Jean Zahr, City Clerk

(SEAL)

APPROVED AS TO FORM:

by Michael D. Milich, City Attorney
A RESOLUTION AUTHORIZING THE PURCHASE OF AN EQUESTRIAN TRUCK FOR POLICE TOWING POLICE HORSES AND OTHER MULTIPURPOSE USES FOR A TOTAL ESTIMATED COST OF $41,000

WHEREAS, the Police Department is in need of a new truck to tow the Police horse trailer, and

WHEREAS, the Equestrian truck is beyond its anticipated life, is more than 20 years old, was donated to the Police Department by its original owner and is in need of replacement, and

WHEREAS, there is currently a sole source provider that has a Ford F250 with dual rear wheels designed for towing, and

WHEREAS, this new truck will also serve as a multipurpose vehicle, and

WHEREAS, at its meeting of September 3, 2003 the Safety and Communities Committee unanimously recommended this action.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves purchase of a 2003 Ford F250 Pick-up Truck from sole source provider, Heritage Ford in Modesto at a cost of $41,000.

BE IT FURTHER RESOLVED that the Finance Director is hereby authorized to take the necessary steps to implement the provisions of this resolution.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of September, 2003 by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Frohman was upon roll call carrier and the resolution adopted by the following vote:

AYES: Councilmember: Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino

NOES: Councilmember: None

ABSENT: Councilmember: None

ATTEST: Jean Zahr
City Clerk

(SEAL)

APPROVED AS TO FORM:

by Michael D. Milich, City Attorney
A RESOLUTION AUTHORIZING THE PURCHASE OF A COMMAND VEHICLE FOR CITY CRITICAL INCIDENTS FOR A TOTAL ESTIMATED COST OF $42,000

WHEREAS, the Police Department is in need of a new command vehicle for critical incidents in the City, and

WHEREAS, the Police Department currently utilizes a converted surplus ambulance for the City’s critical incident response and that vehicle has outlived its useful life, is prone to frequent repairs and is in need of replacement, and

WHEREAS, there is currently a sole source provider that has a Ford Expedition outfitted with full command center in the rear and all emergency and lighting equipment, that is being offered at a savings of $4,000 because of an ordering error for another California Police agency, and

WHEREAS, this new vehicle will also serve as an additional patrol supervisory vehicle, and

WHEREAS, at its meeting of September 3, 2003 the Safety and Communities Committee unanimously recommended this action.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the purchase of a 2003 Ford Expedition Police Package Command Vehicle from sole source provider, Pasadena Ford, at 1365 East Colorado Blvd. in Pasadena, California at a cost of $42,000.

BE IT FURTHER RESOLVED that the Finance Director is hereby authorized to take the necessary steps to implement the provisions of this resolution.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of September, 2003 by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Frohman was upon roll call carrier and the resolution adopted by the following vote:

AYES: Councilmember: Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino

NOES: Councilmember: None

ABSENT: Councilmember: None

ATTEST: Jean Zahr, City Clerk

(SEAL)

APPROVED AS TO FORM:

by Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2003-489

A RESOLUTION APPROVING POLICIES AND PROCEDURES FOR ISSUANCE OF PERMITS FOR ALCOHOL CONSUMPTION IN CITY PARKS.

WHEREAS, on July 22, 2003, by motion, the City Council adopted Ordinance 3310-C.S.--an ordinance amending Sections 12-4.201 and 12-4.202 of Article 2 of Chapter 4 of Title 12 of the Modesto Municipal Code relating to use of park and recreation areas and facilities (prohibiting use of alcohol in City Parks), and

WHEREAS, the ordinance does provide for an exception with prior approval of the Parks, Recreation and Neighborhoods Department Director through a permit process, and

WHEREAS, City staff has developed a permit and process for issuance of permits, and

WHEREAS, the Safety and Communities Committee met on August 4, 2003, and supported the recommended policies and procedures for issuance of permits for alcohol consumption in City parks,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves the policies and procedures for issuance of permits for alcohol consumption in City parks as follows:

1. The permitting process will be administered by the Parks, Recreation and Neighborhoods Department, with applications available at the Police main station and area offices, City Hall at the Mall, King-Kennedy Memorial Center, Senior Citizens Center, and the PR&N offices at Tenth Street Place. The permit would also be available on-line to submit via the Internet or FAX.

2. If the permit for alcohol is in conjunction with a reservable facility, no additional permit will be issued. The appropriate information will be included in the facility reservation permit.
3. Information on other relevant ordinances and laws will be listed on the permit. For example, issuance of a permit does not supersede laws prohibiting public intoxication.

4. Parks signs will be revised to include this ordinance. The other code sections cited on the signs will also be re-evaluated.

5. Alcohol permits will not be issued on site. In order to be legal, permits must be issued prior to events.

6. Permits will be issued for specific dates or events. Individuals, private gatherings and small group events will be eligible for permits.

BE IT FURTHER RESOLVED that the permit, attached hereto as Exhibit “A” and incorporated herein by reference, is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of September 2003, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Frohman, O’Byrant, Mayor Sabatino

NOES: Councilmembers: Jackman, Keating

ABSENT: Councilmembers: None

Attest: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich, City Attorney

09/09/03/PR&N/C Eubank/Item 17 2 2003-489
City of Modesto Parks, Recreation & Neighborhoods Department

Alcohol Use Permit

The Parks, Recreation and Neighborhoods Department has granted permission for the use of alcohol during the event as described below.

Name of Permit Holder: ____________________________________________________________

Address of Permit Holder: _______________________________________________________

Event Location: ___________________________ Number Attending: _______________________

Date of Event: ___________________________ Time: From _________ to _________

Type of Event: ____________________________________________

Restrictions/Responsibilities:

Permit Holder must be present for the entire duration of the event. Permit must be in his/her possession during the event, and available for review by City staff, if requested.

Glass containers are not allowed in any City Park, except by permit.

Park patrons must obey all posted signs, ordinances, etc., including those related to public intoxication.

All City parks close at 10 p.m.

Permit is issued for invited guests only.

Alcoholic beverages may not be sold.

Alcohol may not be served to anyone under the age of twenty-one (21). ID may be requested by City staff.

This permit does not grant reserved or exclusive use of the above facility or location.

I have read the above restrictions and agree to adhere to them. Failure to do so may result in immediate revocation of this permit.

___________________________________________  ______________________
Permit Holder  Date

Approved:

_______________________________  ______________________
Director of Parks, Recreation and Neighborhoods or designee  Date
MODESTO CITY COUNCIL
RESOLUTION NO. 2003-490

A RESOLUTION AMENDING THE FISCAL YEAR 2003-04 OPERATING BUDGET TO APPROPRIATE $8,000 FROM THE GENERAL FUND RESERVE, 0100-800-8000-8003 TO THE PARKS SERVICES MAINTENANCE, 0100-480-4522-0308.

WHEREAS, on July 22, 2003, by motion, the City Council adopted Ordinance 3310-C.S.--an ordinance amending Sections 12-4.201 and 12-4.202 of Article 2 of Chapter 4 of Title 12 of the Modesto Municipal Code relating to use of park and recreation areas and facilities (prohibiting use of alcohol in City Parks), and

WHEREAS, in order to enforce the ordinance, signage must be strategically placed at all City of Modesto parks, and

WHEREAS, on July 1, 2003, by Resolution No. 2003-362, the Council amended the Fiscal Year 2003-04 operating budget to provide funding for new signage for neighborhood and miscellaneous parks which include the new alcohol restrictions, and

WHEREAS, additional funds are needed to provide signage at regional and community parks, and

WHEREAS, the Safety and Communities Committee met on August 4, 2003, and supported the recommendation to provide funding for signage at regional and community parks,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby amends the Fiscal Year 2003-04 operating budget to appropriate $8,000 from the General Fund Reserve, 0100-800-8000-8003 to Parks Service and Maintenance, 0100-480-4522-0308, Tools, Shop & Field.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of September 2003, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Frohman, O'Byrant, Mayor Sabatino

NOES: Councilmembers: Jackman, Keating

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. 2003-491


WHEREAS, the City of Modesto receives several Federal grants from the United States Department of Housing and Urban Development (HUD), and

WHEREAS, the Consolidated Annual Performance and Evaluation Report (CAPER) reflects the activity of the City and its sub-recipients for the period of July 1, 2002, through June 30, 2003, and

WHEREAS, each year the City must review and report on the performance of activities funded under the Community Development Block Grant, HOME, and Emergency Shelter Grant Programs, and

WHEREAS, the CAPER must be made available for public review and comment for a minimum 15-day period, and

WHEREAS, a public comment period was held from August 24, 2003 through September 9, 2003, and

WHEREAS, all public comments, and staff responses to these comments, must be presented to the City Council for review and approval, and

WHEREAS, the Citizens Housing and Community Development Committee met on August 22, 2003, and reviewed and recommended the CAPER, and
WHEREAS, a duly noticed public hearing was held by the Council on September 9, 2003, at 5:30 p.m., in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, to consider approval of the CAPER,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Consolidated Annual Performance and Evaluation Report for Fiscal Year 2002-2003 is hereby approved subject to any correction for accuracy being made by the City Manager, and a copy of said Report is on file in the office of the City Clerk.

BE IT FURTHER RESOLVED that the City Manager, or his authorized designee, is hereby authorized, after having made any necessary correction, to submit said report to the U.S. Department of Housing and Urban Development (HUD).

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of September, 2003, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember O’Bryant, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Frohman, Jackman, Keating, O’Bryant

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Sabatino

Attest: JEAN DAHR, City Clerk

APPROVED AS TO FORM:

By: MICHAEL D. MILICH, City Attorney
RESOLUTION ADOPTING STRATEGIC PLAN-BASED PERFORMANCE MEASURES FOR THE COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT, ENGINEERING AND TRANSPORTATION DEPARTMENT, AND THE OPERATIONS AND MAINTENANCE DEPARTMENT AND DIRECTING STAFF TO REPORT ON THE PERFORMANCE MEASURES TO THE CITY COUNCIL ON A QUARTERLY BASIS

WHEREAS, on October 23, 2001, Council adopted a Strategic Plan and Vision to serve as the road map for the City's future, and

WHEREAS, as part of the adoption of the Strategic Plan Council directed staff to develop Performance Measures linked to the Strategic Plan, and

WHEREAS, historically City departments have reported on Performance Measures as part of the budget process, and

WHEREAS, existing Performance Measures have been useful for internal management tools but are unrelated to the Strategic Plan and not outcome based, and

WHEREAS, existing Performance Measures do not have established targets and are not displayed graphically for easy interpretation of trends, and

WHEREAS, in July 2002, Council adopted Strategic Plan-based Performance Measures for the Fire Department, the Police Department and Parks, Recreation and Neighborhood, and

WHEREAS, Performance Measures have been developed for the Community and Economic Development, Operations and Maintenance, and Engineering and Transportation Departments, and
WHEREAS, the proposed Performance Measures reflect *Strategic Plan* goals and Vision, are outcome based, include targets, benchmark against other jurisdictions, and include an interpretation of trends and spikes,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that Strategic Plan-Based Performance Measures for the Community and Economic Development Department, Operations and Maintenance Department and Engineering and Transportation Department, attached hereto as *Exhibit A*, are hereby approved.

BE IT FURTHER RESOLVED that staff is hereby directed to report on the Performance Measures to the City Council on a quarterly basis using the methodology established in Exhibit A.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of September, 2003, by Councilmember Conrad, 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: Conrad, Fisher, Frohma, Jackman, Keating, O'Bryant, Mayor Sabatino

**NOES:**
Councilmembers: None

**ABSENT:**
Councilmembers: None

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

APPROVED AS TO FORM
[Signature]
MIKE MILICH, City Attorney
Mission:
The mission of the Community and Economic Development Department is to plan, encourage and facilitate private investment in the community by coordinating those municipal activities that affect such investment.

Core Programs and Services:
The department has three divisions that serve all parts of our community:

**Building and Development Services Division** supports, facilitates, and expedites private investment in the community, as well as enhancing its health, safety, and welfare by providing timely and efficient services in the areas of building permits and inspections. The department also seeks creative solutions by bringing projects to successful completion though the use of project teams.

**Planning Division** plays a critical role in achieving the City Council's goals and objectives relative to the physical development of the community. This includes Current Planning and Advance Planning sections.

The mission of the Planning Division is to ensure a superior quality of life for the City of Modesto's current and future residents by addressing matters concerning growth and the environment. Effective long-range planning processes seek to manage growth and change. The Planning process must balance the need to facilitate private investment in the community with these goals.

**Business Development Office** strives to stimulate new private investment and job creation. Among the services provided by the Business Development Office is marketing Modesto to recruit and retain business and the creation of new business park areas to help overcome a shortage of industrial land. The focus of the Office's retention and expansion effort is an extensive outreach program to existing businesses. The Office provides the main staff support for the program and activities of the Redevelopment Agency.
Strategic Plan Goals:

IX. Our downtown is a vibrant, government, financial, corporate and regional entertainment center with high-density housing and services.

V.A. Modesto applies “Smart City” principles of planning.

V.B. Manage development to achieve an orderly development pattern and a balanced economy. Agricultural preservation and achieving a jobs-housing balance are priorities.

V.C. Encourage the expansion of existing and construction of new business parks.

VI. Promote regional public cooperation to enhance the City’s initiatives for economic development.

X.A.1. Maintain and expand Modesto as a regional center for financial services, medical services, shopping, entertainment and education. Attract high-end shopping opportunities.

X.A.2. Modesto supports existing businesses and encourages new and diverse businesses to be successful.

X.A.3. We employ a business-friendly approach while ensuring environmental protection and preserving our quality of life.

X.II. Redevelopment serves as an economic engine to revitalize and renovate the blighted older portions of town.
Attractive & Economically Vibrant Communities

 Quarterly Progress Report
 Community and Economic Development Department

 Modesto: A healthy, safe, attractive, economically, vibrant, socially diverse and culturally rich city with a strong sense of identity and pride, a community engaged in the practice of citizenship with governance based on the principle of stewardship.

 PLANNING DIVISION - KEY PERFORMANCE – EFFICIENCY & EFFECTIVENESS MEASURES

<table>
<thead>
<tr>
<th>Performance Measures</th>
<th>Results</th>
<th>2002-2003 Target</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>CEDD-1. PLANNING APPLICATIONS PROCESSING</td>
<td><img src="chart" alt="Planning Applications" /></td>
<td>Target for zoning and related applications processed under 60 days is 95%. The target is established at 95%, bearing in mind the overall goal is complete processing of all applications. For the coming year, adoption of the supplemental budget will provide resources to meet this 95% target.</td>
<td></td>
</tr>
<tr>
<td>What: Percentage of zoning and related applications processed within 60 days of submittal of completed application.</td>
<td></td>
<td></td>
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<tr>
<td>Why: Measures level of customer service based on application processing turnaround time.</td>
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<tr>
<td>Strategic Plan Goals: V.A., V.B.</td>
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</tbody>
</table>

| CEDD-2. PLANNING SUBDIVISION AND PARCEL MAPS PROCESSING | ![Tentative Subdivision and Parcel Maps](chart) | The target for tentative subdivision and parcel maps processed within 60 days of submittal of completed application is 95%. The department’s overall goal is complete processing of all maps within 60 days. For the coming year, adoption of the supplemental budget will provide resources to meet this 95% target. | |
| What: Percentage of tentative subdivision and parcel maps processed within 60 days of submittal of completed application. | | |
| Why: Measures level of customer service based on subdivision and parcel map processing turnaround time. | | |
| Strategic Plan Goals: V.A., V.B. | | |

| CEDD-3. PLANNING STAFF PLAN REVIEW PROCESSING | ![Staff Plan Review Process](chart) | The target for Staff Plan Reviews processed within 15 days of submittal of completed application is 95%. The City of Fresno averages at 90%. For the coming year, adoption of the supplemental budget will provide resources to meet this 95% target. | |
| What: Percentage of Staff Plan Reviews processed within 15 days of submittal of completed application. | | |
| Why: Measures effectiveness of processing procedures for effective customer service. | | |
| Strategic Plan Goals: V.A., V.B. | | |
QUARTERLY PROGRESS REPORT

COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT

MODesto: A healthy, safe, attractive, economically, vibrant, socially diverse and culturally rich city with a strong sense of identity and pride, a community engendered in the practice of citizenship with governance based on the principle of stewardship.

PLANNING DIVISION - KEY PERFORMANCE - OUTPUT MEASURES

<table>
<thead>
<tr>
<th>Performance Measures</th>
<th>Results</th>
<th>2002-2003 Target</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>CEDD-4. ZONING &amp; RELATED APPLICATIONS</td>
<td><img src="image" alt="Zoning &amp; Related Applications" /></td>
<td>The target number of zoning and related applications processed will be 40.</td>
<td>Target numbers attempt to reflect staff's best forecast of the expected number of applications in the category. For this year, 40 is approximately the number of applications expected.</td>
</tr>
<tr>
<td>What: Number of zoning and related applications per year</td>
<td><img src="image" alt="Zoning &amp; Related Applications" /></td>
<td></td>
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</tr>
<tr>
<td>Why: Measures total activity of the division based on zoning and related application processed.</td>
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<tr>
<td>Strategic Plan Goals: V.A., V.B.</td>
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<tr>
<td>CEDD-5. ADMINISTRATIVE PLAN REVIEWS</td>
<td><img src="image" alt="Administrative Plan Reviews" /></td>
<td>The target number of number of administrative plan reviews will be 55.</td>
<td>Target numbers attempt to reflect staff's best forecast of the expected number of plan reviews in the category. For this year, staff's best forecast of the expected number of plan reviews is 55.</td>
</tr>
<tr>
<td>What: Number of Administrative Plan Reviews</td>
<td><img src="image" alt="Administrative Plan Reviews" /></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Why: Measures total activity of the division based on number administrative plan reviews completed.</td>
<td></td>
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<tr>
<td>Strategic Plan Goals: V.A., V.B.</td>
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<tr>
<td>CEDD-6. Tentative Subdivision/Parcel Maps</td>
<td><img src="image" alt="Staff Plan Review Process" /></td>
<td>The target number of tentative subdivision/parcel maps will be 20.</td>
<td>Target numbers attempt to reflect staff's best forecast of the expected number of maps in the category. For this year, 20 is approximately the number of applications expected.</td>
</tr>
<tr>
<td>What: The number of tentative subdivision/parcel maps</td>
<td><img src="image" alt="Staff Plan Review Process" /></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Why: Measures total activity of the division based on the number of tentative subdivision/parcel maps completed.</td>
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<tr>
<td>Strategic Plan Goals: V.A., V.B.</td>
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</tbody>
</table>
BUILDING & DEVELOPMENT SERVICES - KEY PERFORMANCE - EFFICIENCY & EFFECTIVENESS MEASURES

<table>
<thead>
<tr>
<th>Performance Measures</th>
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</thead>
<tbody>
<tr>
<td><strong>CEDD-7. TENANT IMPROVEMENT PLAN CHECKS</strong></td>
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</tr>
<tr>
<td>What: Percentage of initial tenant improvement plan checks completed within 10 working days of submittal</td>
<td></td>
<td>The percentage of initial tenant improvement plan checks completed within 10 working days of submittal will increase to 98%</td>
<td>Projected target will be met by the restructuring of the plan check process in which all types of plan checking will be spread among all plan checkers</td>
</tr>
<tr>
<td>Why: Measures effectiveness of current staff efforts to provide efficient customer service.</td>
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<tr>
<td>Strategic Plan Goals: V.A., V.B.</td>
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<tr>
<td></td>
<td><img src="chart1.png" alt="Initial Tenant Improvement Plan Checks" /></td>
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<tr>
<td><strong>CEDD-8. COMMERCIAL PLAN CHECKS</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>What: Percentage of initial new commercial plan checks completed within 15 working days of submittal</td>
<td></td>
<td>The percentage of initial new commercial plan checks completed within 15 working days of submittal will increase to 98%</td>
<td>Commercial plan checking is coordinated among many departments and overload is sent to an outside plan checking firm to meet projected target</td>
</tr>
<tr>
<td>Why: Measures effectiveness of current staff efforts to provide efficient customer service.</td>
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<tr>
<td>Strategic Plan Goals: V.A., V.B.</td>
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<tr>
<td></td>
<td><img src="chart2.png" alt="Commercial Plan Checks" /></td>
<td></td>
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</tr>
<tr>
<td><strong>CEDD-9. RESIDENTIAL PLAN CHECKS</strong></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>What: Percentage of initial residential plan checks completed within 10 working days of submittal</td>
<td></td>
<td>The percentage of initial residential plan checks completed within 10 working days of submittal will increase to 98%</td>
<td>Projected target will be met by the restructuring of the plan check process in which all types of plan checking will be spread among all plan checkers</td>
</tr>
<tr>
<td>Why: Measures effectiveness of current staff efforts to provide efficient customer service.</td>
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<tr>
<td>Strategic Plan Goals: V.A., V.C.</td>
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<td></td>
<td><img src="chart3.png" alt="Residential Plan Checks" /></td>
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</tbody>
</table>
## Building & Development Services - Key Performance - Output Measures

<table>
<thead>
<tr>
<th>Performance Measures</th>
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<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>CEDD-10. Building Inspections</strong></td>
<td><img src="chart1.png" alt="Number of Building Inspections Completed" /></td>
<td>The target number of building inspections completed will be 77,000.</td>
<td>The target number indicates the number of inspections that can be handled by current staff. Previous years have required overtime to meet the demand.</td>
</tr>
<tr>
<td><strong>What:</strong> Number of building inspections completed.</td>
<td></td>
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<tr>
<td><strong>Why:</strong> Measures total activity of the division based on the completion of building permits</td>
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<tr>
<td><strong>Strategic Plan Goals:</strong> V.A., V.B.</td>
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</tr>
<tr>
<td><strong>CEDD-11. Building Permits</strong></td>
<td><img src="chart2.png" alt="Number of Building Permits Issued" /></td>
<td>The target number of building permits will be 6,000. In 2002, the City of Bakersfield with a population of 221,000 issued 8,572 permits.</td>
<td>The target indicates what current plan checking staff can reasonably complete. In past years, higher volume of permits has required overtime and the use of outside resources to complete plan checking in a timely manner.</td>
</tr>
<tr>
<td><strong>What:</strong> Number of building permits issued.</td>
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<tr>
<td><strong>Why:</strong> Measures total activity of the division based on the issuance of building permits</td>
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<tr>
<td><strong>Strategic Plan Goals:</strong> V.A., V.B.</td>
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<tr>
<td><strong>CEDD-12. Valuation of Permits</strong></td>
<td><img src="chart3.png" alt="Dollar Amount Valuation of Permits (in Millions)" /></td>
<td>The target valuation of permits will be $350 million. The City of Bakersfield’s 2002 valuation amount is $547 million.</td>
<td>The target amount indicates a small growth in the valuation of commercial projects over last year.</td>
</tr>
<tr>
<td><strong>What:</strong> Dollar amount valuation of permits in millions.</td>
<td></td>
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<tr>
<td><strong>Why:</strong> Measures total activity of the division based on the valuation of permits</td>
<td></td>
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</tr>
<tr>
<td><strong>Strategic Plan Goals:</strong> V.A., V.C.</td>
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</tbody>
</table>
Attractive & Economically Vibrant Communities

Quarterly Progress Report

Community and Economic Development Department

ECONOMIC DEVELOPMENT - KEY PERFORMANCE - OUTPUT MEASURES

<table>
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<tr>
<th>Performance Measures</th>
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</tr>
</thead>
<tbody>
<tr>
<td><strong>CEDD-13. JOB GROWTH IN MODESTO SPHERE OF INFLUENCE</strong></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>What: Number of jobs created in Modesto SOL.</td>
<td></td>
<td>The target number of jobs created in Modesto SOL will increase to 700.</td>
<td>The projected target is based on figures collected over the last two years.</td>
</tr>
<tr>
<td>Why: Measures total activity of the division based on the production of job growth</td>
<td></td>
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</tr>
<tr>
<td>Strategic Plan Goals: V.C., VI., X.A.1., X.A.2., X.A.3.</td>
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</tr>
<tr>
<td><strong>CEDD-14. BUSINESS PARK DEVELOPMENT</strong></td>
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</tr>
<tr>
<td>What: Number of business parks in construction within Modesto SOL.</td>
<td></td>
<td>The target number of business parks in construction be 1</td>
<td>The projected target will be met with the continued development of the Kansas-Woodland Business Park.</td>
</tr>
<tr>
<td>Why: Measures total activity of the division based on business park development</td>
<td></td>
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<tr>
<td>Strategic Plan Goals: V.C.</td>
<td></td>
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</tbody>
</table>

February 2003
Attractively & Economically Vibrant Communities

Quarterly Progress Report

Engineering and Transportation Department

ENGINEERING AND TRANSPORTATION DEPARTMENT

Mission:
The Engineering and Transportation Department is a team committed to building safe roads; moving people and products – in cars, buses, planes; providing safe water; recycling garbage and waste water; making Modesto a great place to live!

Strategic Plan Goals:
I.A.1. Our infrastructure is modern, efficient, effective, attractive and cost competitive.
I.A.2. The City is attractive, clean and well landscaped.
I.B.1. Water and wastewater system capacity and quality is sufficient for all current needs and future economic growth.
I.C.1. Our storm water system is aesthetically pleasing, drains quickly and efficiently and meets all federal and state water quality standards.
II. The City has efficient garbage collection and competitive rates with maximal resource recovery.
III.A. Our City road system moves, people, goods and services without congestion and incorporates alternative transportation modes to promote air quality.
III.B. Our City transportation system is user-friendly, efficient and well-maintained with good service levels and pollution reduction methods.
S.A.1. The City hires exceptional employees to delivery City services.
S.A.3. The City provides excellent customer service from competent, motivated employees and encourages leadership at all levels to nurture innovation to maximize results.
S.B.4. The City's customers are very satisfied with the quality and efficiency of City Services.

Key Efficiency Measures:

<table>
<thead>
<tr>
<th>Performance Measure</th>
<th>Quarterly Results</th>
<th>2002-2003 Target</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>ET-1. ENGINEERING PROJECT DESIGN EFFECTIVENESS</td>
<td>Percentage of Capital Improvement Project Designs Completed on Schedule</td>
<td>80% of CIP project designs are completed on schedule.</td>
<td>Target was exceeded even though staff vacancies exist. With a complete staff, additional projects can be delivered on schedule.</td>
</tr>
<tr>
<td>What: Percentage of Capital Improvement Project Designs completed on schedule.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Why: Measures effectiveness of Engineering Design staff in assuring that CIP project designs are completed on schedule.</td>
<td></td>
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</tr>
<tr>
<td>Strategic Plan Goal: I.A.1., III.A., III.B.</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>ET-2. ENGINEERING DESIGN EFFICIENCY</td>
<td>$ Value of Projects Completed Per Each FTE Employee</td>
<td></td>
<td>The Engineering Design Section is on schedule to meet its target.</td>
</tr>
<tr>
<td>What: Dollar value of projects completed per Full Time Equivalent (FTE) employee.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Why: Measures efficiency of employees to ensure adequate completion of projects during the fiscal year.</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Strategic Plan Goal: I.A.1., III.A., III.B.</td>
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</table>

City of Modesto
9/15/2003
# Quarterly Progress Report

## Engineering and Transportation Department

## Performance Measure

<table>
<thead>
<tr>
<th>Measure</th>
<th>Quarterly Results</th>
<th>2002-2003 Target</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>3. DESIGN COST EFFICIENCY</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Average Design Cost as % of Construction Value of Work Completed</td>
<td>Design cost is at least 1% less than benchmark weighted design cost of 11%, expressed as a % of the construction value of work completed.</td>
<td>Targets were met during this quarter.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>12.00%</td>
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<tr>
<td></td>
<td>11.00%</td>
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<tr>
<td></td>
<td>10.00%</td>
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<td></td>
<td>9.00%</td>
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<td></td>
<td>8.00%</td>
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<td>01-02</td>
<td>01-02</td>
<td>02-03</td>
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<td></td>
<td>Jan-Mar</td>
<td>Apr-Jun</td>
<td>Jul-Sep</td>
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<tr>
<td></td>
<td>3rd Qtr</td>
<td>4th Qtr</td>
<td>1st Qtr</td>
</tr>
<tr>
<td><strong>ET-4. VALUE OF CONSTRUCTION PROJECTS COMPLETED</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>$ Value of Projects Completed ($ Millions)</td>
<td>Target is 26 projects totaling $10.0 million/year. Projects are currently on schedule for this fiscal year.</td>
<td>Level of construction on CIPs remains somewhat steady. Due to the quantity and value of the programmed CIP, some fluctuations will occur, particularly when multi-year projects are started in one fiscal year and completed in another.</td>
<td></td>
</tr>
<tr>
<td>8.0</td>
<td>6.0</td>
<td>4.0</td>
<td>2.0</td>
</tr>
<tr>
<td>01-02</td>
<td>01-02</td>
<td>02-03</td>
<td>02-03</td>
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<tr>
<td>Jan-Mar</td>
<td>Apr-Jun</td>
<td>Jul-Sep</td>
<td>Oct-Dec</td>
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<tr>
<td>3rd Qtr</td>
<td>4th Qtr</td>
<td>1st Qtr</td>
<td>2nd Qtr</td>
</tr>
<tr>
<td><strong>ET-5. STREET LIGHT MAINTENANCE EFFICIENCY</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Street Light Service Calls Responded to Within 5 Days</td>
<td>Respond to calls within the 8-day turnaround time.</td>
<td>As the City grows and staffing levels remain unchanged, preventive maintenance schedules are compromised.</td>
<td></td>
</tr>
<tr>
<td>800</td>
<td>700</td>
<td>600</td>
<td>500</td>
</tr>
<tr>
<td>01-02</td>
<td>01-02</td>
<td>02-03</td>
<td>02-03</td>
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<tr>
<td>Jan-Mar</td>
<td>Apr-Jun</td>
<td>Jul-Sep</td>
<td>Oct-Dec</td>
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<tr>
<td>3rd Qtr</td>
<td>4th Qtr</td>
<td>1st Qtr</td>
<td>2nd Qtr</td>
</tr>
<tr>
<td><strong>ET-6 TRAFFIC SIGNAL PREVENTIVE MAINTENANCE EFFICIENCY</strong></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Traffic Signal Routine Maintenance Per FTE Employee</td>
<td>Goal is to visit every signal once every quarter.</td>
<td>Four electricians have been maintaining all of the traffic signal equipment since Fiscal Year 1993/94. Since that time the City's population has increased 6.4%, while its signal-related equipment has increased approximately 60%. As these systems age and staffing levels remain constant, maintenance frequencies will increase.</td>
<td></td>
</tr>
<tr>
<td>80</td>
<td>60</td>
<td>40</td>
<td>20</td>
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<tr>
<td>01-02</td>
<td>01-02</td>
<td>02-03</td>
<td>02-03</td>
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<td>Jan-Mar</td>
<td>Apr-Jun</td>
<td>Jul-Sep</td>
<td>Oct-Dec</td>
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<td>3rd Qtr</td>
<td>4th Qtr</td>
<td>1st Qtr</td>
<td>2nd Qtr</td>
</tr>
</tbody>
</table>

City of Modesto
9/15/2003
### Quarterly Progress Report
Engineering and Transportation Department

<table>
<thead>
<tr>
<th>Performance Measure</th>
<th>Quarterly Results</th>
<th>2002-2003 Target</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>ET-7. RESPONSE TO CUSTOMER INQUIRIES/REQUESTS</strong></td>
<td></td>
<td></td>
<td>These studies include gathering data, formalizing a recommendation, and providing a written response back to the customer addressing the request or complaint received.</td>
</tr>
<tr>
<td><strong>Why:</strong> Measures the efficiency of staff in addressing public concerns regarding the safety of vehicles, pedestrians and bicyclists and improving these conditions in our neighborhoods.</td>
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<tr>
<td>Strategic Plan Goal:</td>
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<tr>
<td><strong>ET-8 TRAFFIC PROJECT DESIGN EFFECTIVENESS</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>What:</strong> Percentage of traffic Capital Improvement Project designs completed on schedule.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Why:</strong> Measures the effectiveness of Traffic Engineering Design staff in assuring that CIP project designs are completed on schedule.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Strategic Plan Goal:</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>I.A.1, III.A., III.B.</td>
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<td></td>
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<tr>
<td><strong>ET-9 PUBLIC TRANSIT RIDERSHIP EFFECTIVENESS</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>What:</strong> Average quarterly ridership for fixed-route, Dial-A-Ride, BART &amp; ACE Express.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Why:</strong> Measures the effectiveness of service provided.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Strategic Plan Goal:</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

#### Quarterly Results

**Number of Citizen Inquiries/Request Received & Responded to Within 14 Days**

<table>
<thead>
<tr>
<th>Quarter</th>
<th># Received</th>
<th># Responded to Within 14 Days</th>
</tr>
</thead>
<tbody>
<tr>
<td>01-02 Jan-Mar</td>
<td>59</td>
<td>59</td>
</tr>
<tr>
<td>01-02 Apr-Jun</td>
<td>44</td>
<td>44</td>
</tr>
<tr>
<td>02-03 Jul-Sep</td>
<td>31</td>
<td>31</td>
</tr>
<tr>
<td>02-03 Oct-Dec</td>
<td>52</td>
<td>52</td>
</tr>
</tbody>
</table>

#### Percentage of Traffic Capital Improvement Project Designs Completed on Schedule

<table>
<thead>
<tr>
<th>Quarter</th>
<th>01-02 Jan-Mar</th>
<th>01-02 Apr-Jun</th>
<th>02-03 Jul-Sep</th>
<th>02-03 Oct-Dec</th>
</tr>
</thead>
<tbody>
<tr>
<td>01-02 Jan-Mar</td>
<td>96%</td>
<td>97%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>01-02 Apr-Jun</td>
<td>96%</td>
<td>97%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>02-03 Jul-Sep</td>
<td>93%</td>
<td>93%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>02-03 Oct-Dec</td>
<td>94%</td>
<td>94%</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

#### Average Quarterly Ridership

<table>
<thead>
<tr>
<th>Quarter</th>
<th>01-02 Jan-Mar</th>
<th>01-02 Apr-Jun</th>
<th>02-03 Jul-Sep</th>
<th>02-03 Oct-Dec</th>
</tr>
</thead>
<tbody>
<tr>
<td>1st Qtr</td>
<td>1000</td>
<td>800</td>
<td>600</td>
<td>400</td>
</tr>
<tr>
<td>2nd Qtr</td>
<td>900</td>
<td>700</td>
<td>500</td>
<td>300</td>
</tr>
<tr>
<td>3rd Qtr</td>
<td>800</td>
<td>600</td>
<td>400</td>
<td>200</td>
</tr>
<tr>
<td>4th Qtr</td>
<td>700</td>
<td>500</td>
<td>300</td>
<td>100</td>
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</table>

City of Modesto
9/1/5/2003
Attractively & Economically Vibrant Communities
Quarterly Progress Report
Engineering and Transportation Department

### Performance Measure

<table>
<thead>
<tr>
<th>10 TRANSIT COST PER PASSENGER</th>
<th>Quarterly Results</th>
<th>2002-2003 Target</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>What: Cost per passenger for fixed route, BART &amp; ACE Express.</td>
<td>MAX Cost Per Passenger</td>
<td>Limit cost increase to amount commensurate with the Consumer Price Index.</td>
<td>Fuel costs are rising and will challenge MAX operations cost containment.</td>
</tr>
<tr>
<td>Why: Measures cost-effectiveness of service provided.</td>
<td>3rd Qtr 4th Qtr 1st Qtr 2nd Qtr</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Strategic Plan Goal: III.A., III.B.</td>
<td>01-02 02-03</td>
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</table>

<table>
<thead>
<tr>
<th>11 TRANSIT SYSTEM EFFECTIVENESS</th>
<th>Transit System Customer Satisfaction Survey</th>
<th>2002-2003 Target</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>What: Percentage of bus riders who rate transit services as &quot;good&quot; or &quot;better&quot;.</td>
<td>Transit System Customer Satisfaction Survey</td>
<td>Maintain an overall average customer satisfaction rating of good or very good.</td>
<td>MAX customers are very happy with local transit services.</td>
</tr>
<tr>
<td>Why: Measures the effectiveness of the transit system services in meeting passenger needs.</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>12 SOLID WASTE FUNDING EFFECTIVENESS</th>
<th>Revenue Generated vs Expenditures (Zero General Fund Support)</th>
<th>2002-2003 Target</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>What: Dollar value of revenue generated versus expenditures.</td>
<td>Revenue Generated vs Expenditures</td>
<td>Target is to apply for 90% of grants available, and to offset 100% of expenses in the given fiscal year.</td>
<td>All grants offered that apply to our programs were applied for during this quarter.</td>
</tr>
<tr>
<td>Why: Measures the effectiveness of staff in pursuing funding to continue General Fund independency.</td>
<td>(In Thousands of Dollars)</td>
<td></td>
<td>Solid Waste staff has continued to aggressively pursue all grant funding available to support the City's recycling programs. Additionally, staff has worked with the community and has been successful in establishing corporate and community partnerships, which has helped to further offset costs of programs. Increases in costs are attributable to the addition of new programs and/or the expansion of existing programs.</td>
</tr>
<tr>
<td>Strategic Plan Goal: II.</td>
<td>$1,500 $1,000 $500 $0</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>$435 $450 $620 $620 $780 $750</td>
<td></td>
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</table>
## Quarterly Progress Report

**Engineering and Transportation Department**

### Performance Measure

<table>
<thead>
<tr>
<th>Performance Measure</th>
<th>Quarterly Results</th>
<th>2002-2003 Target</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>ET-13 WASTE DIVERSION EFFECTIVENESS</strong></td>
<td>Annual Waste Diversion Percentage</td>
<td>State-mandated 50% diversion rate</td>
<td>Surpassed State-mandated 50% diversion rate required for year 2000 by 11%.</td>
</tr>
<tr>
<td><strong>What:</strong> Total tons of waste diverted from disposal by Modesto residents/businesses annually.</td>
<td></td>
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<tr>
<td><strong>Why:</strong> Measures the effectiveness of recycling, source reduction programs in reducing the amount of waste disposed.</td>
<td></td>
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<tr>
<td><strong>Strategic Plan Goal:</strong> II.</td>
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</table>

| | | | |
| | | | |

| **ET-14 AIR SERVICE USAGE** | Total Number of Passengers Enplaned/Deplaned | Stabilize and/or increase passenger usage of the airport, when compared with same quarters of previous years. | Air travel decreased 28% after the terrorist attack on 9/11/01. It is slowly starting to recover, however, it is also important to note that as a result, daily flights have been reduced by one flight per day. |
| **What:** Total number of passengers enplaned and deplaned. | | | |
| **Why:** Measures the user-friendliness and air service activity levels. | | | |
| **Strategic Plan Goal:** III.B. | | | |

<table>
<thead>
<tr>
<th>Jul-Sep</th>
<th>Oct-Dec</th>
<th>Jan-Mar</th>
<th>Apr-Jun</th>
</tr>
</thead>
<tbody>
<tr>
<td>0-10</td>
<td>10-15</td>
<td>15-20</td>
<td>20-25</td>
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<tr>
<td>25-30</td>
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<table>
<thead>
<tr>
<th>(in Thousands)</th>
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<tbody>
<tr>
<td>0</td>
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<tr>
<td>10</td>
<td>15</td>
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<tr>
<td>20</td>
<td>25</td>
</tr>
<tr>
<td>25</td>
<td>30</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>00-01</th>
<th>01-02</th>
<th>02-03</th>
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</table>

| **ET-15 UTILITY STUDIES, PROJECTS AND PROGRAMS** | This is a new measure and staff will begin tracking this information in the quarter beginning April 1, 2003, using the new formulation. | 80% of planned projects are started within FY budgeted. Unplanned projects are completed on schedule. | Demand for completion of unplanned projects is delaying start of planned projects |
| **What:** Percentage of studies, projects and programs started within FY budgeted. | | | |
| **Why:** To ensure that studies, projects and programs, requiring Capital Planning, are completed so that projects can move forward. | | | |
| **Strategic Plan Goal:** I.A.1., I.B.1, I.C.1. | | | |

### Comments

- Surpassed State-mandated 50% diversion rate required for year 2000 by 11%.  
- Air travel decreased 28% after the terrorist attack on 9/11/01. It is slowly starting to recover, however, it is also important to note that as a result, daily flights have been reduced by one flight per day.

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City of Modesto  
9/15/2003  
Page 5
## Quarterly Progress Report

### Engineering and Transportation Department

#### Performance Measure: Improvement Plans/Maps Reviewed within 15 Days

| What: Number of improvement plan maps reviewed and/or processed within 15 days. |
| Why: Measures efficiency of Development Review staff in meeting demands of community. |

<table>
<thead>
<tr>
<th>Quarterly Results</th>
<th>2002-2003 Target</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Improvement Plans/Maps Reviewed within 15 Days</td>
<td>95% of initial plan checks completed within 18 days.</td>
<td>In FY 01-02, this staff was cut by three full-time positions.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Quarter</th>
<th>Submitted</th>
<th>15-Day Turnaround</th>
</tr>
</thead>
<tbody>
<tr>
<td>01-02 Jan-Mar</td>
<td>29</td>
<td></td>
</tr>
<tr>
<td>01-02 Apr-Jun</td>
<td>14</td>
<td></td>
</tr>
<tr>
<td>02-03 Jul-Sep</td>
<td>13</td>
<td></td>
</tr>
<tr>
<td>02-03 Oct-Dec</td>
<td>15</td>
<td></td>
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</tbody>
</table>

#### Performance Measure: ET-17 Permit Issuance Activity

| What: Number of permits issued per quarter. |
| Why: Measures level of development activity in the community. |

<table>
<thead>
<tr>
<th>Quarterly Results</th>
<th>2002-2003 Target</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of Permits Issued</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Quarter</td>
<td>137</td>
<td>180</td>
</tr>
<tr>
<td>01-02 Jan-Mar</td>
<td>137</td>
<td></td>
</tr>
<tr>
<td>01-02 Apr-Jun</td>
<td>180</td>
<td></td>
</tr>
<tr>
<td>02-03 Jul-Sep</td>
<td>156</td>
<td></td>
</tr>
<tr>
<td>02-03 Oct-Dec</td>
<td>119</td>
<td></td>
</tr>
</tbody>
</table>

City of Modesto
9/15/2003
Operations and Maintenance Department

Mission:
The mission of the Operations and Maintenance Department is to enhance the quality of community life by managing, operating, maintaining, and repairing the infrastructure of the City of Modesto.

Strategic Plan Goals:

I.A.1. Our infrastructure is modern, efficient, effective, attractive and cost competitive.
I.A.2. The City is attractive, clean and well landscaped.
I.B.1. Water and wastewater system capacity and quality is sufficient for all current needs and future economic growth.
I.C.1. Our stormwater system is aesthetically pleasing, drains quickly and efficiently, and meets all federal and state water quality standards.
III.B. Our City transportation system is user-friendly, efficient and well maintained with good service levels and pollution reduction methods.
S.A.3. The City provides excellent customer service from competent, motivated employees and encourages leadership at all levels to nurture innovation to maximize results.
S.A.4. The City's workforce of represented and unrepresented employees delivers efficient and effective services enhanced by labor-management cooperation.
S.B.4. The City's customers are very satisfied with the quality and efficiency of City services.

Key Efficiency Measures

Performance Measure

<table>
<thead>
<tr>
<th>OM-1. EQUIPMENT AVAILABILITY (Fleet Services)</th>
</tr>
</thead>
<tbody>
<tr>
<td>What: Percentage of time equipment is online and available for use, measured as a percentage of time equipment could have been available for use.</td>
</tr>
<tr>
<td>Why: Measures level of availability of equipment (vehicles, machinery, police cars, etc.) for providing City services</td>
</tr>
<tr>
<td>Strategic Plan Goals: I.A.2., S.A.3.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Performance Measure</th>
<th>Results</th>
<th>2002-2003 Target</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>AVAILABILITY</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(Fleet Services)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Equipment Availability</td>
<td>98% 95% 92% 89%</td>
<td>93% 90% 89% 86%</td>
<td>Equipment is online and available 95% of the time.</td>
</tr>
<tr>
<td></td>
<td>Equipment Availability</td>
<td>Target</td>
<td>Equipment availability is essential for effective delivery of services.</td>
</tr>
<tr>
<td></td>
<td>Equipment is online and available 95% of the time.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Fleet Services Crews work extended hours in the evenings and on weekends to minimize the impact of equipment maintenance and repairs and continue to meet our targets in this area.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>OM-2. EQUIPMENT BREAKDOWN FREQUENCY (Fleet Services)</th>
</tr>
</thead>
<tbody>
<tr>
<td>What: Number of breakdown occurring while equipment is in service, measured as the number of fleet breakdowns per fleet miles driven.</td>
</tr>
<tr>
<td>Why: The effective response time is needed to maintain an effective attack on active developing structure fires.</td>
</tr>
<tr>
<td>Strategic Plan Goals: III.B. CIV</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Performance Measure</th>
<th>Results</th>
<th>2002-2003 Target</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>FREQUENCY (Fleet Services)</td>
<td>1.6 1.4 1.2 1.0</td>
<td>1.2 1.4 1.2 1.0</td>
<td>Number of breakdowns per fleet miles-driven does not exceed 1.2 per 10,000 fleet miles driven.</td>
</tr>
<tr>
<td></td>
<td>Breakdown Frequency</td>
<td>Target</td>
<td>During Fiscal Year 01-02, we exceeded our standard due to a variety of factors. We are addressing these issues through reviewing and test driving repair before equipment is released and through modifications of our preventive maintenance schedule.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
## Attractive & Economically Vibrant Communities

### Quarterly Progress Report

**Operations & Maintenance Department**

### Performance Measure

**OM-3. PARKS AND LANDSCAPE MAINTENANCE SERVICE LEVEL (Parks)**

**What:** The City's park maintenance service level rating will be at or near a "good" rating value of 3.

**Why:** Rating is based on the frequency of performing a broad cross section of maintenance activities.

**Strategic Plan Goals:** I.A.1., I.A.2.

### Results

**2002-2003 Target**

Since 1988-1989, the ratio of acres of developed park per full-time equivalent employee (FTE) has increased from 6.3 acres/FTE to 11.46 acres/FTE in 2002-2003. This increase is a result of decreasing labor resources and increasing park acreage. Consequently, service level ratings have declined in recent years.

### Comments

The City's park maintenance service level rating will be at or near a "good" rating value of 3.

**Service Level Ratings**

- **Excellent = 4**
- **Good = 3**
- **Fair = 2**
- **Poor = 1**

*Based upon frequency of performance of parks maintenance tasks.*

### OM-4. PREVENTABLE PUBLIC INJURIES (Parks)

**What:** Number of preventable public injuries occurring in the City's parks per Fiscal Year.

**Why:** Measures the effectiveness of maintenance crews in keeping parks safe and well-maintained.

**Strategic Plan Goals:** I.A.1., I.A.2.

**Number of preventable public injuries is less than the Fiscal Year target of 4.**

### OM-5. FACILITIES PREVENTIVE MAINTENANCE EFFECTIVENESS (Building Services)

**What:** Percent of facilities preventive maintenance performed on schedule.

**Why:** Measures the effectiveness of maintenance crews in keeping buildings safe and well-maintained through preventive maintenance.

**Strategic Plan Goals:** I.A.1., I.A.2.

**On an annual basis, 90% of all scheduled facilities preventive maintenance is completed.**

---

March 2003
### OM-8. SANITARY SEWER EFFECTIVENESS

**What**: Percent of Sanitary Sewer System Preventing Street Flooding through Reuse of Retention Basins and Wetlands.

**Why**: Measures the effectiveness of the City's sanitary sewer system in preventing street flooding through recycling and maintaining the natural system of reserve basins and wetlands.

Strategic Plan Goals: A.1., I.C.1.

<table>
<thead>
<tr>
<th>Year</th>
<th>2000</th>
<th>2001</th>
<th>2002</th>
</tr>
</thead>
<tbody>
<tr>
<td>100%</td>
<td>95%</td>
<td>90%</td>
<td>95%</td>
</tr>
</tbody>
</table>

### OM-9. WASTEWATER TREATMENT EFFICIENCY

**What**: Costs per 1,000 pounds of BOD treated.

**Why**: Measures the efficiency of the City's wastewater treatment system when compared to other Central Valley cities.


<table>
<thead>
<tr>
<th>Year</th>
<th>Modesto</th>
<th>Sacramento</th>
<th>Fresno</th>
<th>Stockton</th>
</tr>
</thead>
<tbody>
<tr>
<td>2002</td>
<td>$330</td>
<td>$325</td>
<td>$320</td>
<td>$312</td>
</tr>
<tr>
<td>2001</td>
<td>$295</td>
<td>$305</td>
<td>$300</td>
<td>$312</td>
</tr>
<tr>
<td>2000</td>
<td>$260</td>
<td>$270</td>
<td>$265</td>
<td>$312</td>
</tr>
</tbody>
</table>

---

*Modesto: A healthy, safe, attractive, economically vibrant, socially diverse and culturally rich city with a strong sense of identity and pride, a community engaged in the practice of citizenship with governance based on the principle of stewardship.*
# Attractive & Economically Vibrant Communities

## Quarterly Progress Report

**Operations & Maintenance Department**

### OM-10. GROUNDWATER DELIVERY EFFECTIVENESS (Water Operations)

**What:** Number of groundwater wells per full-time equivalent (FTE) employee.

**Why:** Measures the City's ability to maintain the well system and ensure appropriate water sampling is performed, per Department of Health Services regulations.

**Strategic Plan Goals:** L.A.1., L.B.1.

<table>
<thead>
<tr>
<th>OM-10</th>
<th>Results</th>
<th>2002-2003 Target</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td><img src="image1.png" alt="Graph" /></td>
<td><img src="image2.png" alt="Graph" /></td>
<td>Due to discharge restrictions placed on our wells, we have been unable to hire well operators. Consequently, we have been unable to reduce our target this year. We are presently working on obtaining an increase in the performance of the problem.</td>
</tr>
</tbody>
</table>

### OM-11. GROUNDWATER EFFICIENCY (Water Operations)

**What:** Number of groundwater wells per full-time equivalent (FTE) employee.

**Why:** Measures the ability of staff to effectively maintain the City's well system and ensure appropriate water sampling is performed, per Department of Health Services guidelines.

**Strategic Plan Goals:** L.A.1., L.B.1.

<table>
<thead>
<tr>
<th>OM-11</th>
<th>Results</th>
<th>2002-2003 Target</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td><img src="image3.png" alt="Graph" /></td>
<td><img src="image4.png" alt="Graph" /></td>
<td>In the current fiscal year, we have 8 FTE for 128 wells. This equates to 1 FTE per 16 wells. In the Central Valley, the standard is 1 FTE per 9 wells. We are considerably higher than the standard and this trend is continuing. In the 03-04 Budget, we have requested additional FTE to address this issue.</td>
</tr>
</tbody>
</table>

### OM-12. STAFF EXPERTISE (Water Operations)

**What:** Percentage of full-time, full-year employees who:持a G-2 or higher Water Distribution Certification.

**Why:** Measures the City's ability to comply with certification requirements set by the Department of Health Services.

**Strategic Plan Goals:** L.A.2., S.U.4.

<table>
<thead>
<tr>
<th>OM-12</th>
<th>Results</th>
<th>2002-2003 Target</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td><img src="image5.png" alt="Graph" /></td>
<td><img src="image6.png" alt="Graph" /></td>
<td>Required changes due to the July 2000 new source certification and continuing education credit for any person making process control changes to the water system. Since this time, we have had difficulty in reaching our target of 75% certification and will likely reach that goal by 03-04.</td>
</tr>
</tbody>
</table>
Attractive & Economically Vibrant Communities
Quarterly Progress Report
Operations & Maintenance Department

<table>
<thead>
<tr>
<th>Performance Measure</th>
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</tr>
</thead>
<tbody>
<tr>
<td><strong>OM-13. GREEN WASTE REMOVAL</strong> (Community Forestry)</td>
<td><img src="image" alt="Green Waste Removal Graph" /></td>
<td>City crews remove 2000 tons or more of green waste per FTE.</td>
<td>Tonnage of green waste removed continues to rise. The recent ordinance change approved by Council will provide for additional collection efficiencies.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Performance Measure</strong></th>
<th><strong>Results</strong></th>
<th><strong>2002-2003 Target</strong></th>
<th><strong>Comments</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>OM-14. STREET TREE MAINTENANCE (Community Forestry)</td>
<td><img src="image" alt="Street Tree Maintenance Graph" /></td>
<td>Number of street trees per Full Time Equivalent (FTE) employee is less than or equal to 5000 per year to maintain a five-year pruning cycle.</td>
<td>In 2003, the pruning cycle was extended by six months due to hiring constraints. Service levels have dropped for removal, trimming, and pasteurization due to budget reductions. Replanting needs have been met by a grant, replacing half of the vacant tree locations.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Performance Measure</th>
<th>Results</th>
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</tr>
</thead>
<tbody>
<tr>
<td>OM-15. STREET MAINTENANCE EFFORT (Streets &amp; Traffic Operations)</td>
<td><img src="image" alt="Street Maintenance Effort Graph" /></td>
<td>Street paving cycle is less than or equal to the target of 40 years for optimal pavement management.</td>
<td>Increases in funding have improved our ability to make a dent in deferred maintenance needs. Recent budgetary constraints will likely drive this number back up to pre-2000 levels, thereby reducing our ability to maintain our present pavement status.</td>
</tr>
</tbody>
</table>

March 2003
A RESOLUTION AWARDING THE BID AND APPROVING A $318,933 CONTRACT WITH CLAYBORN CONTRACTING GROUP, FOR THE PROJECT TITLED “CONSTRUCT ELECTRICAL VAULT BUILDING, RELOCATE/UPGRADE ELECTRICAL VAULT EQUIPMENT, INSTALL EMERGENCY GENERATOR,” AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT

WHEREAS, the bids received for the CONSTRUCT ELECTRICAL VAULT BUILDING, RELOCATE/UPGRADE ELECTRICAL VAULT EQUIPMENT, INSTALL EMERGENCY GENERATOR project were opened at 11:00 a.m. on July 22, 2003 and later tabulated by the Engineering and Transportation Director for the consideration of the Council, and

WHEREAS, the Engineering and Transportation Director has recommended that the bid of $318,933.00 received from Clayborn Contracting Group, be accepted as the lowest responsible bid and the contract be awarded to Clayborn Contracting Group,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the bid of $318,933.00, and hereby awards Clayborn Contracting Group the contract titled “CONSTRUCT ELECTRICAL VAULT BUILDING, RELOCATE/UPGRADE ELECTRICAL VAULT EQUIPMENT, INSTALL EMERGENCY GENERATOR.”

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the contract.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of September, 2003, by Councilmember Conrad, 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: Conrad, Fisher, Frohman, Jackman, Keating, O’Bryant, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED AS TO FORM:

By, 

MICHAEL D. MILICH, City Attorney

ATTEST: 

JEAN ZAHR, City Clerk

09/23/03/E&T/H Cook/Item 04  2  2003-493
MODESTO CITY COUNCIL
RESOLUTION NO. 2003-494

A RESOLUTION APPROVING AN AMENDMENT TO SEWER REIMBURSEMENT AGREEMENT BETWEEN THE CITY OF MODESTO AND PHILLIP G. AND WILMA M. SILVA FOR AN 8" SEWER LATERAL IN LONE PALM AVENUE

WHEREAS, PHILLIP G. AND WILMA M. SILVA (Owners), installed 973 lineal feet of 8" sanitary sewer lateral in Lone Palm Avenue, and

WHEREAS, the sanitary sewer lateral will also serve other properties on Lone Palm Avenue and the owners have requested reimbursement for a portion of the costs, and

WHEREAS, on April 7, 1992, City Council Resolution 92-161 approved a sewer reimbursement agreement for a portion of the costs of installation, and

WHEREAS, the agreement provides that the City will collect sewer lateral fees from adjacent property owners as they connect to the sewer lateral and that said fees will be used to reimburse OWNER for a portion of its costs of installing the sewer lateral and appurtenances, and

WHEREAS, the agreement had a term of ten (10) years, after which Owners’ right to reimbursement would cease, and

WHEREAS, the former Director of Community Development Director recommended that the agreement be extended for an additional term to allow ample time for future connections to the sewer lateral to be made to facilitate reimbursement to Owners, and
WHEREAS, for unknown reasons, said agreement was never amended and Owners have renewed their request for an extension of the agreement.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the term of the agreement between the CITY OF MODESTO and PHILLIP G. AND WILMA M. SILVA related to the reimbursement for installation of a sanitary sewer lateral be extended for an additional ten (10) years, and

BE IT FURTHER RESOLVED that the 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 23rd day of September, 2003, by Councilmember Conrad, 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: Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: MICHAEL D. MILICH, City Attorney
A RESOLUTION ACCEPTING THE PROJECT TITLED “POLICE OUTDOOR SHOOTING RANGE EQUIPMENT” AS COMPLETE

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled “Police Outdoor Shooting Range Equipment”, has been completed by Action Target, Inc., in accordance with the contract agreement dated October 16, 2001,

NOW, THEREFORE, BE IT RESOLVED that the “Police Outdoor Shooting Range Equipment” project is hereby accepted from said contractor, Action Target, Inc., that City Staff is hereby directed to file the Notice of Completion with the Recorder of Stanislaus County and that payment of amounts due totaling $128,834.25 as provided in the contract, is hereby authorized.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of September, 2003, by Councilmember Conrad, 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: Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino

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. 2003-496

RESOLUTION ACCEPTING THE WORK BY GEORGE REED, INC., FOR THE “2001-2002 PAVEMENT MAINTENANCE - W. ORANGEBURG AVENUE FROM MARTIN AVENUE TO MCHENRY AVENUE” PROJECT AS COMPLETE, AUTHORIZING THE CITY CLERK TO FILE A NOTICE OF COMPLETION, AND AUTHORIZING PAYMENT OF AMOUNTS DUE TOTALING $1,360,655.91 PER THE CONTRACT

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled “2001-2002 Pavement Maintenance - W. Orangeburg Avenue from Martin Avenue to McHenry Avenue”, has been completed by George Reed, Inc., in accordance with the contract agreement dated August 8, 2002,

NOW, THEREFORE, BE IT RESOLVED that the “2001-2002 Pavement Maintenance - W. Orangeburg Avenue from Martin Avenue to McHenry Avenue” project be accepted from said contractor, by George Reed, Inc., that the notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due totaling $1,360,655.91 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 23rd day of September, 2003, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Fisher, Frohman, Jackman, Keating, O’Bryant, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad

ATTEST: Jean Fahy

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
A RESOLUTION ACCEPTING THE WORK BY BOLLO CONSTRUCTION, INC., FOR THE “RENOVATION OF EXISTING POLICE HEADQUARTERS BUILDING – BID PACKAGE NO. 3” PROJECT AS COMPLETE, AUTHORIZING THE CITY CLERK TO FILE A NOTICE OF COMPLETION, AND AUTHORIZING PAYMENT OF AMOUNTS DUE TOTALING $2,798,429.39 PER THE CONTRACT

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled “Renovation of Existing Police Headquarters Building – Bid Package No. 3”, has been completed by Bollo Construction, Inc., in accordance with the contract agreement dated December 11, 2001,

NOW, THEREFORE, BE IT RESOLVED that the “Renovation of Existing Police Headquarters Building – Bid Package No. 3” project be accepted from said contractor, Bollo Construction, Inc., that the notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due totaling $2,798,429.39 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 23rd day of September, 2003, by Councilmember Conrad,
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: Conrad, Fisher, Frohman, Jackman, Keating,
O'Bryant, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By [Signature]
MICHAEL D. MILICH, City Attorney
A RESOLUTION INCREASING THE DIRECTOR OF ENGINEERING AND TRANSPORTATION’S AUTHORITY TO ISSUE CHANGE ORDERS ON THE “RENOVATION OF EXISTING POLICE HEADQUARTERS BUILDING – BID PACKAGE NO. 3” PROJECT FROM $518,186 TO $518,700, OR 22.75% OF THE ORIGINAL CONTRACT PRICE WITH BOLLO CONSTRUCTION, INC.

WHEREAS, on December 11, 2001, the City Council awarded a $2,279,820 contract to Bollo Construction, Inc., to construct the Renovation of Existing Police Headquarters Building – Bid Package No. 3 project, and

WHEREAS, the contractor started work on February 4, 2002, and the work is complete, and

WHEREAS, on July 19, 1994, by Resolution No. 94-443, Council authorized the Director of Engineering and Transportation to approve change orders up to a cumulative amount of 8 percent of the original contract price on a project this size, and

WHEREAS, on April 23, 2002, by Resolution No. 2002-207, the City Council increased the Director of Engineering and Transportation’s change order authority from 8 percent to 19 percent, and

WHEREAS, on October 8, 2002, by Resolution No. 2002-493, the City Council increased the Director of Engineering and Transportation’s change order authority to $518,186,

WHEREAS, during the course of construction 40 change orders were issued and the contractor was required to perform additional work that was not covered under the original contract, and
WHEREAS, the total cost of the extra work is approximately $518,610, an amount which exceeds the Director's current authority for change orders for the project, and

WHEREAS, the Director currently has authority to approve change orders up to a cumulative amount of $518,186, and an increase in authority is needed to pay for the additional work performed by the Contractor,

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby increases the Engineering and Transportation Director's authority level to issue change orders, from $518,186 to $518,700 for the project entitled "Renovation of Existing Police Headquarters Building – Bid Package No. 3."

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of September, 2003, by Councilmember Conrad, 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: Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled “Modesto City/County Airport T-Hangar K Construction”, has been completed by Paul Anderson Construction, in accordance with the contract agreement dated April 24, 2001,

NOW, THEREFORE, BE IT RESOLVED that the “Modesto City/County Airport T-Hangar K Construction” project be accepted from said contractor, Paul Anderson Construction, that the notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due totaling $386,332 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 23\textsuperscript{rd} day of September, 2003, by Councilmember Conrad, 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:

\begin{itemize}
  \item **AYES:** Councilmembers: Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino
  \item **NOES:** Councilmembers: None
  \item **ABSENT:** Councilmembers: None
\end{itemize}

\begin{tabular}{l}
  \textbf{ATTEST:} \\
  JEAN ZAHR, City Clerk
\end{tabular}

\begin{tabular}{l}
  \textbf{(SEAL)}
\end{tabular}

\begin{tabular}{l}
  \textbf{APPROVED AS TO FORM:} \\
  By \hspace{1cm}
\end{tabular}

\begin{tabular}{l}
  MICHAEL D. MILICH, City Attorney
\end{tabular}
A RESOLUTION ESTABLISHING ANGLE PARKING IN THE CITY OF MODESTO AND RESCINDING RESOLUTION NO. 2001-580

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, the Downtown Redevelopment Committee, has requested angle parking on the east side of 8th Street between J & K Streets and between K & L Streets to relieve some of the parking demand at the 9th Street Garage, and

WHEREAS, City staff has reviewed the geometrics and traffic flow at this location and has concluded that angled parking can be accommodated as requested without creating a hazard and without impeding traffic flow, and

WHEREAS, the Economic Development Committee considered the additional angle parking on 8th Street at its August 11, 2003, meeting and supported staff's recommendation,

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

SECTION I. ANGLE PARKING. Angle parking in the City of Modesto is hereby established at the following locations:
Portions of 10th Street, between I & K Streets (west side) (diagonal)

18th Street, between G and H Streets (west side) (diagonal)

F Street, between 10th and 11th Streets (south side) (diagonal)

I Street, between 9th and 12th 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)

SECTION 2. The Engineering and Transportation Director is hereby directed to implement the provisions of this resolution.

SECTION 3. Resolution No. 2001-580 is hereby rescinded.
The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 23rd day of September 2003, by Councilmember Conrad,
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: Conrad, Fisher, Frohman, Jackman, Keating,
O’Bryant, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: _______________________
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: _______________________
MICHAEL D. MILICH, CITY ATTORNEY