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

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

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

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

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

SECTION 1. CLASSIFICATIONS CREATED. The Position Classification Plan of the City of Modesto is hereby amended to create the following classifications:

Senior Administrative Office Assistant
Administrative Office Assistant III
Administrative Office Assistant I/II
Police Clerk I/II

This action is taken as part of the 2001-2002 Clerical Classification Study.

The specifications for the classification of Senior Administrative Office Assistant (Range 415/115), as shown on the attached Exhibit “A”, Administrative Office Assistant III (Range 411/111), as shown on the attached Exhibit “B”, Administrative Office Assistant I/II (Range 407/107), as shown on the attached Exhibit “C”, and Police Clerk I/II, (Range 107), as shown on the attached Exhibit “D”, which are hereby made a part of this resolution by reference, are hereby approved and made a part of the Position Classification Plan of the City of Modesto.

SECTION 2. CLASSIFICATIONS ABOLISHED. The Position Classification Plan of the City of Modesto is hereby amended to abolish the following classifications:

Police Clerk
Police Clerk (Confidential)
Administrative Clerk II
Administrative Clerk I
SECTION 3. EFFECTIVE DATE. This resolution shall become effective on and after May 7, 2002.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of May, 2002, by Councilmember Fisher, 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, O’Bryant, Mayor Sabatino

NOES: Councilmembers: Keating

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
ADMINISTRATIVE OFFICE ASSISTANT III

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

DEFINITION

Under general supervision, to provide office support of a complex or specialized nature to various City offices; to provide lead direction and training to a small group of office assistants or related staff; and to perform related work as assigned.

DISTINGUISHING CHARACTERISTICS

This classification performs the more complex and difficult clerical and office support work requiring specialized knowledge and skills, and the use of a high degree of independent judgment, and/or functions as a leadworker in the Administrative Office Assistant class series. Specialized knowledge may involve functioning as an advisor to staff on City practices or procedures. Positions at this level are typically advanced personal computer users with mastery of common and/or specialized software used in the assignment.

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

Researches and assembles moderately complex information from a variety of sources for the completion of forms or the preparation of reports.

Performs various technical processing of forms, applications, permits, payments or procedures requiring in-depth knowledge of the department's functions.

Provides lead direction, training, and work review to a small group of office assistants or closely related classifications; sets priorities, assigns and monitors task completion to ensure coordination and completion of assigned work.

Makes arithmetical or routine statistical computations that may include payroll preparation.

Provides information to the public or to City staff that requires the use of judgment in the application of policies, rules or procedures.
ESSENTIAL AND MARGINAL FUNCTION STATEMENTS, Continued:

Schedules, prepares agendas, attends, takes and transcribe minutes of a variety of internal and external meetings.

Performs a variety of support duties related to the work unit to assist management staff in complex clerical office activities.

Establishes, organizes and maintains complex departmental filing systems.

Types complex and sensitive correspondence, reports, forms and specialized documents from drafts, notes, dictated tapes, or brief instructions using a typewriter or personal computer; may compose routine correspondence and brief reports.

Proofreads and checks typed and other materials for accuracy, completeness, and compliance with departmental policies and regulations.

Enters and retrieves data from computer systems, including generating reports and advising others on routine system operations.

Attends to a variety of office administrative details such as ordering supplies, arranging for the repair of equipment, transmitting information, and keeping reference materials up-to-date.

May act as a receptionist, receiving, screening and directing callers, and making appointments.

Reviews reports for accuracy and makes corrections.

Operates a wide variety of standard office equipment.

Marginal Functions

Performs related duties as assigned.
QUALIFICATIONS

Knowledge of:

Office management practices and procedures, including filing systems management and the operation of standard office equipment.

Formats and materials for typed materials.

Basic business arithmetic, including percentages and decimals.

Correct English usage, including spelling, grammar, and punctuation.

Policies and procedures related to the department to which assigned.

Use and operation of personal computers and common computer applications.

Skill in:

Providing training and lead direction to others.

Organizing, prioritizing and coordinating work activities.

Reading and applying rules, policies, and procedures.

Organizing, researching and maintaining office files.

Dealing tactfully and effectively with those contacted in the course of the work.

Making arithmetical calculations with speed and accuracy.

Composing routine correspondence from brief instructions.

Using initiative and sound independent judgment within established guidelines.

Operating standard office equipment including personal computers and centralized telephone equipment.
QUALIFICATIONS

Skill in, Continued:

Typing or word processing at speed necessary for successful job performance.

Experience and Training Guidelines:

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

Training:

Equivalent to graduation from high school. Vocational or college level coursework in business administration or a related field is desirable.

Experience:

Two years of responsible clerical experience of which one year must have been at the journey level;

or

One year with the City of Modesto as an Administrative Office Assistant II.

OTHER REQUIREMENTS:

Specified positions must possess a valid California driver’s license and have a satisfactory driving record; and/or be able to pass a background investigation.
WORKING CONDITIONS

Environmental Conditions:

Office environment; specified positions may be required to work shifts.

Physical Conditions:

Essential and marginal functions may require maintaining physical condition necessary for sitting, standing, bending and stooping for prolonged periods of time; using various office equipment including a computer screen and keyboard.
SENIOR ADMINISTRATIVE OFFICE ASSISTANT

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

DEFINITION

Under direction, to perform a variety of subprofessional and complex clerical assignments, studies and projects; to provide administrative assistance in the management of a department; and to perform related work as assigned.

DISTINGUISHING CHARACTERISTICS

The work of this class focuses on review of guidelines and regulations for the development and implementation of policies and procedures, office administration, management support, and special projects and duties related to the department in which they are assigned.

Positions at this level are characterized by the requirement for in-depth technical knowledge of the functions of the department; and typically function as a technical expert and/or systems administrator for departmental or City-wide computer software applications.

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

Essential Functions:

Researches, analyzes and compiles information into report form on various subjects for department directors and other management and professional staff.

Gathers data, and conducts surveys and studies on work procedures, workflow, organization, and other issues.

Evaluates and prepares recommendations on a variety of technical, office and procedural issues.

Develops, implements and monitors systems and procedures to meet departmental needs and respond to issues.
ESSENTIAL AND MARGINAL FUNCTION STATEMENTS, Continued:

May prepare the annual budget for office and administrative functions within area of authority, establish contracts, monitor and evaluate expenditures and accounts, and discuss changes with management.

Assists management in planning, monitoring and managing the budget.

Independently creates and responds to correspondence with the delegated authority of a manager.

Essential Functions (Continued):

Operates, troubleshoots, controls access to, and advises others on specialized departmental and/or Citywide software applications.

Interprets and applies policies, procedures, and regulations.

Evaluates new and existing legal, administrative and other requirements, and may draft policies and procedures to ensure compliance and overall effectiveness of staff operations.

May provide complex secretarial and office administrative support to a manager, including typing, word processing, spreadsheets, and related applications.

Maintains liaison with city officials and staff, officials and staff of other agencies, and the public, to obtain and relay information and coordinate activities.

Represents the department at staff and administrative meetings, committees, and related meetings.

Provide lead responsibilities to a small office support staff. Confidential employees may supervise a small office support staff.

May administer complex payroll activities.
ESSENTIAL AND MARGINAL FUNCTION STATEMENTS, Continued:

Maintains awareness of current issues in areas assigned.

Marginal functions:

Performs related duties as assigned.

QUALIFICATIONS:

Knowledge of:

City and departmental operations, policies, procedures and processes.

Laws and regulations governing operations of the department to which assigned.

Fiscal and statistical recordkeeping and budget and payroll preparation and administration.

Basic systems administration and advanced use of assigned computer applications.

Basic principles and practices of lead responsibilities.

Modern office management practices and procedures, including filing systems management and operation of a wide variety of office equipment.

Business English, letter writing, formats, and basic report preparation.

Skill in:

Developing and implementing goals, objectives, policies, procedures, and work standards.

Analyzing office operations and technical problems, evaluating alternatives, and recommending solutions.
QUALIFICATIONS:

Skill in, Continued:

Interpreting and applying administrative laws, regulations, policies and procedures.

Preparing, maintaining, and reviewing documents, records, and reports.

Exercising sound independent judgment within general policy guidelines.

Establishing and maintaining effective working relationships with those contacted in the course of the work.

Specified positions may require skill in typing or word processing at speed necessary for successful job performance.

Experience and Training Guidelines:

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

Training:

Equivalent to graduation from high school supplemented by vocational or college level coursework in administration and/or technical subjects related to the area in which assigned.

Experience:

Three years of responsible office administrative support/clerical experience of which two years must be at the advanced level requiring the exercise of independent judgment.

Or

Two years as an Administrative Office Assistant III with the City of Modesto.
OTHER REQUIREMENTS:

Upon appointment specified positions must possess a valid California driver's license and have a satisfactory driving record; and/or be able to pass a background investigation. After appointment those specific positions must maintain a valid California driver's license.

WORKING CONDITIONS

Environmental Conditions:

Office environment; specified positions may be required to work shifts.

Physical Conditions:

Essential and marginal functions may require maintaining physical condition necessary for sitting, standing, bending and stooping for prolonged periods of time; using various office equipment including a computer screen and keyboard.
CITY OF MODESTO
No. 4734
No. 4724

ADMINISTRATIVE OFFICE ASSISTANT I/II

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

DEFINITION

Under general supervision, to provide a variety of routine to moderately difficult office support to various City departments and offices, which may include processing and handling of mail, record keeping, specialized processing related to the department in which assigned, typing, word processing, telephone and in-person reception, and filing; and to perform related work as assigned.

DISTINGUISHING CHARACTERISTICS

Administrative Office Assistant I is the entry level class of the City's office support series. Initially under close supervision, incumbents learn and perform a variety of office support and general clerical duties requiring knowledge of departmental and City procedures. Many positions in this class are flexibly staffed. Those positions which are not flexibly staffed perform a relatively narrow scope of routine clerical and office support work. Those positions which are flexibly staffed normally advance to the II level after a minimum of 12 months and demonstration of proficiency which meets the requirements of Administrative Office Assistant II.

Administrative Office Assistant II is the fully qualified, journey level class of this series, competent to perform a variety of office support and clerical duties. Positions are characterized by the presence of fairly clear guidelines from which to make decisions and the availability of supervision in non-routine circumstances. Positions at this level are journey level, accomplished users of common desktop and/or specialized applications software related to the area of assignment. Specific duties, including the amount of public contact, typing, word processing, use of an on-line computer system, and direct support for functions of the unit will vary with the organizational unit to which assigned.

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

Performs a variety of office support and general clerical duties related to the work unit.
ESSENTIAL AND MARGINAL FUNCTION STATEMENTS, Continued:

Types or word processes correspondence, reports, forms and specialized documents related to the functions of the organizational unit to which assigned from drafts, notes, dictated tapes, or brief instructions.

Proofreads and checks typed and other materials for accuracy, completeness, compliance with departmental policies, and correct English usage including grammar, punctuation, and spelling.

Enters, retrieves and processes data, and generates reports using computer systems, following established formats.

Gathers information from individuals or reference sources to complete and process various routine forms, records, and applications; and contacts individuals to obtain additional information.

Maintains records and processes forms, such as time records, purchase requisitions and orders, reservation of City pool vehicles and others specific to the organizational unit.

Posts and transcribes data, prepares and updates a variety of reports.

Performs a variety of routine arithmetical calculations.

Establishes and maintains office files, and researches and compiles information from such files.

Acts as receptionist and receives and screens visitors and telephone calls, takes messages, and makes appointments; provides directions and basic information and assistance.

Provides factual information regarding City or unit activities and functions.
ESSENTIAL AND MARGINAL FUNCTION STATEMENTS, Continued:

Performs such office support activities as opening and distributing mail, processing outgoing mail, operating a postage meter and ordering office supplies.

Marginal functions:

Performs related duties as assigned.

QUALIFICATIONS

Knowledge of:

Administrative Office Assistant I:

Basic office practices and procedures, including filing and the operation of standard office equipment.

Correct English usage, including spelling, grammar, and punctuation.

Administrative Office Assistant II: (In addition to the requirements of the I):

Business letter writing and standard formats for typed materials.

Policies, procedures, processes and forms related to the department to which assigned.

Basic business computer operations including the use of word processing software and other common desktop applications.

Skill in:

Administrative Office Assistant I:

Developing and maintaining effective working relationships with those contacted in the course of the work.
QUALIFICATIONS, Continued:

Skill in:

Understanding and carrying out oral and written instructions.

Maintaining accurate records and files.

Making accurate arithmetic calculations.

Depending on assignment, performing basic and/or detailed clerical work accurately.

Typing or word-processing at a speed necessary for successful job performance.

Operating standard office equipment including a personal computer and centralized telephone equipment.

Maintaining attention to detail despite interruptions.

Communicating tactfully and effectively with the public and remaining calm and following designated protocols in stressful and/or emergency situations.

**Administrative Office Assistant II**: (In addition to the requirements of the I):

Organizing and maintaining office files.

Composing routine correspondence from brief instructions.

Using initiative and sound independent judgment within established guidelines.

Prioritizing work and coordinating several activities simultaneously.
QUALIFICATIONS, Continued:

Ability to: (Both levels)

Learn specialized processing, procedures and office support tasks related to the department to which assigned.

Experience and Training Guidelines:

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

Administrative Office Assistant I:

Training:

Equivalent to graduation from high school.

Experience:

Six months of responsible clerical experience.

Administrative Office Assistant II:

Training:

Equivalent to graduation from high school.

Experience:

Eighteen months of responsible clerical experience;

or

Twelve months as an Administrative Office Assistant I with the City of Modesto.
OTHER REQUIREMENTS:

Specified positions must possess a valid California driver's license and have a satisfactory driving record; and/or be able to pass a background investigation.

WORKING CONDITIONS

Environmental Conditions:

Some positions work in an office environment and some positions work in a workroom environment; specified positions may be required to work shifts. Some positions require traveling site to site in inclement weather.

Physical Conditions:

Essential and marginal functions may require maintaining physical condition necessary for sitting, standing, bending and stooping for prolonged periods of time; using various office equipment including a computer screen and keyboard. Some positions require frequent lifting (up to 35 pounds), loading and reaching conditions.
CITY OF MODESTO

No. 4518
No. 4519
No. 4522

POLICE CLERK I
POLICE CLERK II

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

DEFINITION

Under general supervision to perform a variety of specialized clerical duties applicable to a police operations environment that includes multi-tasking with heavy public contact, record keeping, document processing, typing, word processing and filing; and to perform related work as assigned.

DISTINGUISHING CHARACTERISTICS

Police Clerk I - This is the first working level of the class in this series, competent to perform a variety of office support and clerical duties while learning operations and procedures specific to the Police Department. Positions are characterized by the presence of clear guidelines from which to make decisions and the availability of supervision to provide guidance in non-routine circumstances. Specific duties, including the amount of public contact, typing, word processing, use of an on-line computer system, and direct support for functions of the unit, will vary depending on assignment. Positions in this class are flexibly staffed and I’s typically advance to the II level after a minimum of 12 months and demonstration of proficiency that meets the requirements of Police Clerk II.

Police Clerk II - This level performs the more complex and difficult clerical and office support work requiring specialized knowledge and skills, and the use of a high degree of independent judgment. Specialized knowledge may involve functioning as an advisor to other department personnel on department practices or procedures.

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

Manage and provide information to the public and to city staff that requires the use of judgment and the application of policies, rules or procedures.

Copy, sort, file, retrieve and distribute a variety of documents and police reports, citations, warrants and other materials to appropriate personnel and to appropriate agencies.
Essential Functions:

Type, word process, record and file a variety of police records, reports and materials including memos, letters, reports, complaints, declarations, booking information, warrants, citations, and crime and traffic reports from hard copy or dictation.

Assemble, code, index, record and summarize a variety of police data including serious crime offenses, stolen, stored and towed vehicles, crime reports, booking sheets, file field interrogation cards and related documents.

Type or word process complex and sensitive correspondence, reports, forms and specialized documents from drafts, notes, dictated tapes or brief instructions; may compose routine correspondence and brief reports.

Handle basic financial transactions, which may include billing, invoicing, ordering of supplies and receiving monies.

May prepare, update, and maintain a variety of calendars, schedules and appointments.

Marginal Functions:

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Police Clerk I:

Use and operation of personal computers and common computer applications.

Basic office practices and procedures, including filing systems and operation of standard office equipment.

Correct English usage, including spelling, grammar, and punctuation.
Knowledge of: (continued)

Business writing and standard format for typed materials.

Basic business arithmetic, including percentages and decimals.

**Police Clerk II: (In addition to the requirements of the I):**

Police Department policies, procedures, processes and forms.

Police Department records management system.

**Skill in:**

**Police Clerk I:**

Reading and applying rules, policies, and procedures.

Organizing, prioritizing and coordinating own work flow.

Dealing tactfully and effectively with a variety of people in hostile and/or difficult circumstances.

Typing at a reasonable speed necessary for successful job performance.

Making accurate arithmetic calculations.

Prioritizing work and coordinating several activities simultaneously.

Using initiative and sound independent judgment within established guidelines.

Operating standard office equipment including personal computers and centralized telephone equipment.

Establishing and maintaining effective working relationships with those contacted in the course of work

**Police Clerk II (In addition to the requirements of the I):**
Skill in (Continued):

Basic principles of an electronic office including personal computing, specialized applications and databases common to law enforcement agencies.

Specialized processing, procedures and office support tasks related to the Police Department.

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:**

**Police Clerk I**

Eighteen months of responsible clerical experience in an office setting that includes public contact, common personal computer applications such as word processing, spreadsheets, and record keeping.

**Training:**

Equivalent to high school graduation.

**Police Clerk II**

Two years of responsible clerical experience in a law enforcement agency which has included word processing, multitasking, and electronic office or twelve months as a Police Clerk I with the City of Modesto.

**Training:**

Equivalent to high school graduation. Vocational or college level course work in business administration or a related field is desirable.
Other Requirements:

Must be able to pass a background investigation.

WORKING CONDITIONS

Environmental Conditions:

Office environment working a variety of shifts, weekends and holidays on a rotating basis.

Physical Conditions:

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

Work Assignment:

Wear a City-approved uniform and related equipment unless assigned to the drug unit.
MODESTO CITY COUNCIL
RESOLUTION NO. 2002 - 246

A RESOLUTION AMENDING EXHIBIT "A" OF RESOLUTION NO. 95-26 TO REVISE THE CLASS RANGE TABLE FOR GENERAL NON-SWORN CLASSES TO ESTABLISH THE SALARY RANGES FOR THE CLASSIFICATIONS OF SENIOR ADMINISTRATIVE OFFICE ASSISTANT (RANGE 115), ADMINISTRATIVE OFFICE ASSISTANT III (RANGE 111), ADMINISTRATIVE OFFICE ASSISTANT I/II (RANGES 103/107), AND POLICE CLERK I/II (RANGES 107/111) AND TO ABOLISH THE SALARY RANGES FOR THE CLASSIFICATIONS OF: POLICE CLERK, ADMINISTRATIVE CLERK II, AND ADMINISTRATIVE CLERK I.

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 May 7, 2002," which is attached hereto and made a part hereof as though set forth in full herein. Said amended Exhibit "A" establishes Salary Ranges for Senior Administrative Office Assistant (Range 115), Administrative Office Assistant III (Range 111), Administrative Office Assistant I/II Ranges 103/107), Police Clerk I/II (Ranges 107/111) and abolishes Salary Ranges for Police Clerk, Administrative Clerk II, and Administrative Clerk I.

SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after May 7, 2002.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of May, 2002, by Councilmember Fisher, 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, O'Bryant, Mayor Sabatino

NOES: Councilmembers: Keating

ABSENT: Councilmembers: None

ATTEST: Jean Zahr

JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By

MICHAEL D. MILICH, City Attorney
EXHIBIT "A"
CITY OF MODESTO
CLASS RANGE TABLE
GENERAL NON-SWORN CLASSES
Effective, May 7, 2002

<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
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| 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  
       | Equipment Service Worker I  
       | Maintenance Worker I |
| 111   | Account Clerk  
       | Administrative Office Assistant III  
       | Evidence and Property Specialist  
       | Police Clerk II |
| 112   | |
| 113   | Administrative Technician  
       | Computer Operator  
       | Drafting and Graphics Technician |
| 114   | Electrical Technician I  
       | Equipment Service Worker II  
       | Maintenance Worker II  
       | Production Technician  
<pre><code>   | Storeskeeper |
</code></pre>
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<thead>
<tr>
<th>Range</th>
<th>Job Title</th>
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<tbody>
<tr>
<td>115</td>
<td>Accounting Technician</td>
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<tr>
<td></td>
<td>Animal Control Officer II</td>
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<tr>
<td></td>
<td>Assistant to the Events Coordinator</td>
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<tr>
<td></td>
<td>Code Enforcement Officer I</td>
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<tr>
<td></td>
<td>Community Service Officer I</td>
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<tr>
<td></td>
<td>Planning Technician I</td>
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<tr>
<td></td>
<td>Senior Administrative Office Assistant</td>
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<tr>
<td></td>
<td>Wastewater Treatment Plant Attendant</td>
</tr>
<tr>
<td>116</td>
<td>Equipment Operator</td>
</tr>
<tr>
<td></td>
<td>Fire Prevention Technician I</td>
</tr>
<tr>
<td></td>
<td>Motor Sweeper Operator</td>
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<tr>
<td></td>
<td>Traffic Operations Technician</td>
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<tr>
<td></td>
<td>Used Oil Coordinator</td>
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<tr>
<td></td>
<td>Wastewater Collection System Operator</td>
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<tr>
<td></td>
<td>Water Distribution System Operator</td>
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<tr>
<td>117</td>
<td>Electrical Technician II</td>
</tr>
<tr>
<td>118</td>
<td>Fleet Procurement Specialist</td>
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<tr>
<td></td>
<td>Parking Lot Maintenance Crewleader</td>
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<tr>
<td></td>
<td>Parks Crewleader</td>
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<tr>
<td></td>
<td>Recreation Coordinator</td>
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<td></td>
<td>Senior Storeskeeper</td>
</tr>
<tr>
<td></td>
<td>Tree Trimmer</td>
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<tr>
<td>119</td>
<td>Assistant Buyer</td>
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<td></td>
<td>Building Maintenance Mechanic</td>
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<tr>
<td></td>
<td>Civil Engineering Technician I</td>
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<td>Code Enforcement Officer II</td>
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<td>Community Service Officer II</td>
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<td>Maintenance Mechanic – Parks</td>
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<td>Maintenance Mechanic – Pumps</td>
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<td>Planning Technician II</td>
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<td>Public Information Technician</td>
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<tr>
<td></td>
<td>Wastewater Treatment Plant Operator</td>
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City of Modesto
Class Range Table – General Non-Sworn Classes
Page 3

**RANGE TABLE**

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<thead>
<tr>
<th>Range</th>
<th>Class Description</th>
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<tr>
<td>120</td>
<td>Accountant I</td>
</tr>
<tr>
<td></td>
<td>Assistant Electrician</td>
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<td></td>
<td>Equipment Mechanic</td>
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<tr>
<td></td>
<td>Fire Prevention Technician II</td>
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<td></td>
<td>Laboratory Analyst I</td>
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<td>Meter Reader Crewleader</td>
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<td></td>
<td>Senior Equipment Operator</td>
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<td>Traffic Painter Crewleader</td>
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<tr>
<td></td>
<td>Welder/Fabricator</td>
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<td>Wastewater Treatment Plant Relief Operator</td>
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<td>Coach Mechanic</td>
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<td></td>
<td>Cross Connection Specialist</td>
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<td>Fire Equipment Mechanic</td>
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<td>Industrial Waste Inspector I</td>
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<td>Programmer Analyst I</td>
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<td>Tree Trimmer Crewleader</td>
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<td>Water Conservation Specialist</td>
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<tr>
<td>123</td>
<td>Airport Maintenance Crewleader</td>
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<td></td>
<td>Civil Engineering Technician II</td>
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<td>Identification Technician I</td>
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<td>Maintenance Mechanic Crewleader – Parks</td>
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<td>124</td>
<td>Community Development Program Specialist I</td>
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<td></td>
<td>Equipment Crewleader</td>
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<td>Equipment Mechanic Crewleader</td>
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<td>Laboratory Analyst II</td>
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<td></td>
<td>Maintenance Mechanic Crewleader – Pumps</td>
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<td></td>
<td>Planning Assistant</td>
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<td>Plant Mechanic</td>
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<td>Wastewater Collection System Crewleader</td>
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<td>125</td>
<td>Crime Analyst</td>
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<tr>
<td>126</td>
<td>Building Inspector I</td>
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<td>Coach Mechanic Crewleader</td>
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<td>Electrician</td>
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<td>Housing Financial Specialist</td>
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<td>Housing Rehabilitation Specialist I</td>
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<td>Industrial Waste Inspector II</td>
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<tr>
<td>Class</td>
<td>Description</td>
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<td>-------</td>
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</tr>
</tbody>
</table>
| 127   | Civil Engineering Assistant  
|       | Identification Technician II  
|       | Senior Fire Equipment Mechanic |
| 128   | Community Development Program Specialist II  
|       | Instrument Repair Technician  
|       | Programmer Analyst II  
|       | Sr. Wastewater Treatment Plant Operator |
| 129   | Building Inspector II  
|       | Construction Inspector  
|       | Hazardous Material Program Coordinator  
|       | Housing Rehabilitation Specialist II  
|       | Project Coordinator |
| 131   | Sr. Civil Engineering Assistant |
| 132   | |
| 133   | |
| 134   | Deputy Fire Marshal  
|       | Plan Review Engineer  
|       | Senior Building Inspector  
|       | Senior Construction Inspector |
RESOLUTION AMENDING STRATEGIC PLAN MILESTONE(S) FOR DELAYED PROJECT(S)

WHEREAS, in September 2000, Council and staff embarked on a strategic planning process to develop a Vision and Strategic Plan for the City, and
WHEREAS, the Vision forms the foundation for the Strategic Plan, and
WHEREAS, the Vision and Strategic Plan build upon previous visioning and planning efforts on the part of the City, and
WHEREAS, on October 23, 2001, Council adopted the Vision and Strategic Plan, and
WHEREAS, staff provided a progress report on all Strategic Plan items in January, 2002, and
WHEREAS, the Quarterly Progress Report for January – March 2002 contains items with significant changes since January, and
WHEREAS, due to budgetary and staffing constraints, it is necessary to amend the Strategic Plan milestone for Action Item number S.B.3.b.(3). -- Develop Multi-government and Regional Strategies to lower costs,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby amends the milestone for Strategic Plan action item S.B.3.b.(3) from December 2002 to December 2003.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of May, 2002, by Councilmember Fisher, 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, Fisher, Frohman, Jackman, Keating, O’Bryant, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
JEAN ZAHR, City Clerk

MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2002-248

A RESOLUTION DESIGNATING THE PROPERTY AT 201 NEEDHAM STREET AS A MODESTO LANDMARK PRESERVATION SITE (OWNER: GREAT VALLEY CENTER)

WHEREAS, Chapter 10 of Title 9 of the Modesto Municipal Code establishes Landmark Preservation Site status as a way to recognize, preserve enhance and perpetuate significant landmarks in the community, and

WHEREAS, a public hearing was held on February 25, 2002 at the McHenry Museum, 1402 I Street, Modesto, California, in which the Landmark Preservation Commission found and recommended in their Resolution No. 2001-2, that the property at 201 Needham Street is eligible for designation as a Landmark Preservation Site for the following reasons:

(1) The location and setting is compatible with future preservation and use.
(2) The physical condition is such that preservation maintenance or adaptive use is economically feasible.
(3) The distinguishing characteristics of significance are for the most part original and intact or capable of restoration.
(4) The existing or proposed use is compatible with the preservation and maintenance of the site.

and

WHEREAS, the Human Services Committee met on April 11, 2002, and supported the Landmark Preservation Commission recommendation, and

WHEREAS, after a public hearing held on April 23, 2002, in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, the Council found and determined that the property at 201 Needham Street is eligible for designation as a Landmark Preservation Site for the reasons set forth by the Landmark Preservation Commission,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the property located at 201 Needham Street is more particularly described in Exhibit “A” attached hereto and incorporated herein by reference.
BE IT FURTHER RESOLVED that the property at 201 Needham Street has architectural significance as a fine example of a Classical Revival building from the 1920’s and is hereby designated a Landmark Preservation Site for the following reason:

Architectural significance – Possessing distinctive characteristics of a style, place, period, method or materials of construction, builder or architect.

This Classical Revival two-story building with Romanesque attributes is faced with glazed brick. The façade is divided into three vertical bays. The outer bays each contain a prominent round headed, multi-paned window. Two horizontal tri-part panels further divide these windows with a decorative plaster rosette in the center of each section. The center bay projects slightly and contains a pair of tall flat pilasters on either side of the main entrance. A band of decorative relief joins the ornate capitals of these pilasters. The projecting center bay is also topped with a row of these tiles. The side elevation contains a stained glass casement window with a transom at the front of the building and a raised first floor entrance near the rear. In between is a group of three round headed windows divided by tri-part panels. At the ground level is a row of basement windows and a center basement entrance.

BE IT FURTHER RESOLVED that pursuant to Section 9-10.104(e)(1) of the Modesto Municipal Code, the City Clerk shall record a copy of this resolution with the County Recorder’s Office of Stanislaus County.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of May, 2002, 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: 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
IDENTIFICATION
1. Common name: Modesto Christian Center
2. Historic name: Centenary Methodist Church
3. Street or rural address: 205 Needham Ave, Modesto, CA 95354
   City: Modesto, CA Zip: 95354 County: Stanislaus
4. Parcel number: 110-08-25
5. Present Owner: Modesto Christian Center
   Address: 205 Needham
   City: Modesto, CA Zip: 95354 Ownership is: Public ______ Private ______
6. Present Use: Church Original use: __________

DESCRIPTION
7a. Architectural style: Classical Revival
7b. Briefly describe the present physical description of the site or structure and describe any major alterations from its original condition:

This two-story rectangular building is faced with glazed brick. The facade is divided into three vertical bays. The outer bays each contain a prominent round-headed window. These multi-paned windows are further divided by two horizontal tripart panels with a decorative plaster rosette in the center of each section. The center bay projects slightly and contains a pair of tall flat pilasters on either side of the main entrance. A band of decorative relief joins the ornate capitals of these pilasters. The centered entry consists of a multipaned double door framed by flat pilasters with recessed panels and capped by a stained glass fanlight set in a molded arch opening. The low parapet enclosing the roof is edged with a row of vertically positioned tiles. The projecting center bay is also topped with a row of these tiles. The side elevation contains a stained glass casement window with a transom at the front of the building and a raised first floor entrance near the rear. In between is a group of three round-headed windows divided by tri-part panels. At the ground level is a row of basement windows and a center basement entrance.

8. Construction date: 1920
   Estimated ______ Factual ______
9. Architect: Unknown
10. Builder: Unknown
11. Approx. property size (in feet):
    Frontage: 124 ft  Depth: 84 ft
    or approx. acres ______
12. Date(s) of enclosed photograph(s): 6/84
13. Condition: Excellent __ Good __ Fair ___ Deteriorated ___ No longer in existence ___

14. Alterations: Ramp and railing leading to front entrance

15. Surroundings: (Check more than one if necessary) Open land ___ Scattered buildings ___ Densely built-up ___ Residential ___ Industrial ___ Commercial ___ Other: ________________________

16. Threats to site: None known ___ Private development ___ Zoning ___ Vandalism ___ Public Works project ___ Other: ________________________

17. Is the structure: On its original site? ___ Moved? ___ Unknown? ___

18. Related features: ________________________

SIGNIFICANCE

19. Briefly state historical and/or architectural importance. (Include dates, events, and persons associated with the site.)

Built in 1920 for the Centennial Methodist Church
Sold in 1960 to the Church of Jesus Christ of Latter Day Saints
1984 became the Modesto Christian Center

20. Main theme of the historic resource: (If more than one is checked, number in order of importance.)
   Architecture 1 Arts & Leisure ________________________
   Economic/Industrial  Exploration/Settlement _________
   Government  Military _____________________________
   Religion 2 Social/Education ______________________

21. Sources (List books, documents, surveys, personal interviews and their dates).

22. Date form prepared 5/84
   By (name) Malgand and Boer
   Organization: Stanislaus Co. Hist. Society
   Address: P.O. BOX 1339
   City: Modesto CA 95353 Zip: ______________________
   Phone: 545-0202 / 527-3511 (209)
State of California – The Resources Agency
DEPARTMENT OF PARKS AND RECREATION
PRIMARY RECORD

Primary # ___________________________
HR# ___________________________
Trinomial ___________________________
NRHP Status Code ___________________________

Other Listings ___________________________
Review Code ___________________________
Reviewer ___________________________
Date ___________________________

Page of ___________________________

P1. Other Identifier:
   *Resource Name or #: (Assigned by recorder)

P2. Location: □ Not for Publication □ Unrestricted
   *a. County ___________________________
   *b. USGS 7.5' Quad ___________________________
      Date ___________________________
      T: __________ R: __________
      1/4 of __________ 1/4 of Sec: __________
      B.M. ___________________________
   c. Address ___________________________
      City ___________________________
      Zip ___________________________
   d. UTM: (Give more than one for large and/or linear resources) Zone __________
      _______mE/ _______mN
   e. Other Locational Data: (e.g., parcel #, directions to resource, elevation, etc., as appropriate)

P3a. Description: (Describe resource and its major elements. Include design, materials, condition, alterations, size, setting, and boundaries)

P3b. Resource Attributes: (List attributes and codes)

P4. Resources Present: □ Building □ Structure □ Object □ Site □ District □ Element of District □ Other (isolates, etc.)

P5a. Photograph or Drawing: (Photograph required for buildings, structures, and objects.)

P5b. Description of Photo: (view, date, accession #)

P6. Date Constructed/Age and Source: □ Historic □ Prehistoric □ Both

P7. Owner and Address: ___________________________
   Great Valley Center
   911 13th St., Modesto
   CA 95354

P8. Recorded by: ___________________________
   (Name, affiliation, and address)
   Robert G. Trache
   Chief Operating Office
   Great Valley Center
   Modesto, CA 95354

P9. Date Recorded: ___________________________

P10. Survey Type: (Describe)

P11. Report Citation: (Cite survey report and other sources, or enter "none.")

*Required information
The building was constructed in 1920 as a modest Classical Revival structure with Romanesque attributes. It is one of the few remaining early 20th Century structures in the downtown adjacent area. From 1920 to the present the building has been in use by church congregations, with exception of a short period when the building was owned by the City of Modesto and functioned as a clinic.
MODESTO CITY COUNCIL  
RESOLUTION NO. 2002-249  

A RESOLUTION APPROVING THE CITY OF MODESTO 2002-2003 ANNUAL ACTION PLAN AND AUTHORIZING THE CITY MANAGER TO EXECUTE RELATED NECESSARY DOCUMENTS  

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

WHEREAS, the City receives a Community Development Block Grant (CDBG), a HOME Investment Partnership Grant, and an Emergency Shelter Grant (ESG), and  

WHEREAS, the City receives these grants annually because of its population size, number of households living below the poverty line, and the number of housing units that are considered substandard, and  

WHEREAS, a duly noticed public hearing was held by the City Council at its meeting of May 14, 2002, to consider submission of an application to the U.S. Department of Housing and Development (HUD) pertaining to the 2002-2003 Fiscal Year Annual Action Plan, which describes how the City intends to spend Federal assistance received from HUD in the areas of Community Development, Housing Production and Homeless Assistance,  

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 2002-2003 Fiscal Year Annual Action Plan as presented to the Council for the Community Development Block Grant (CDBG), HOME Investment Partnership Program and the Emergency Shelter Grant (ESG) is hereby approved, and a copy of said Annual Action Plan 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 to execute any and all documents necessary in relation to grant agreements, and City staff is hereby authorized to submit an application to the U.S. Department of Housing and Urban Development (HUD) pertaining to the 2002-2003 Annual Action Plan which describes how the City intends to spend Federal assistance received from HUD in the areas of Community Development, Housing Production and Homeless Assistance.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of May, 2002, 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
MODESTO CITY COUNCIL
RESOLUTION NO. 2002-250

A RESOLUTION AMENDING SECTIONS 1 AND 2 OF RESOLUTION NO. 76-407 ENTITLED "A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED DEVELOPMENT ZONE, P-D(139). (MODESTO CITY HOSPITAL)", AS PREVIOUSLY AMENDED BY MODESTO CITY COUNCIL RESOLUTION NOS. 77-844, 87-1051, AND 92-547. (ASSOCIATED ENGINEERING GROUP, INC.).

WHEREAS, the City Council, by Ordinance No. 1502-C.S. which was introduced on March 1, 1976, finally adopted on March 8, 1976, and which became effective on April 7, 1976, amended Section 28-3-9 of the Zoning Map to reclassify from Neighborhood Commercial Zone, C-1, General Commercial Zone, C-2, Professional Office Zone, P-O, and Medium High Density Residential Zone, R-3, to Planned Development Zone, P-D(139), to allow expansion of Modesto City Hospital and relocation of Octomendent parking, property located northeasterly and southwesterly of 17th Street, southeasterly of H Street, and on both sides of G Street, and

WHEREAS, City Council Resolution No. 76-407 was adopted on March 1, 1976, and approved the development plan containing the conditions of approval and the development schedule specifying construction to be in two phases, and

WHEREAS, the City Council, by Ordinance No. 1638-C.S. which was introduced on August 15, 1977, finally adopted on August 22, 1977, and which became effective on September 21, 1977, amended Section 2 of Ordinance No. 1502-C.S. to allow two freestanding signs, one on H Street and one on G Street, each a maximum of 12 feet high and 32 feet square, and

WHEREAS, City Council Resolution No. 77-844 adopted on August 15, 1977, amended the development plan for Planned Development Zone, P-D(139), and

WHEREAS, Planning Commission Resolution No. 79-1, adopted January 2, 1979, approved a five-year extension of time for the development schedule for Planned Development Zone, P-D(139), and
WHEREAS, City Council Ordinance No. 2545-C.S., which was introduced on September 15, 1987 finally adopted on September 22, 1987, and which became effective on October 22, 1987, amended Planned Development Zone, P-D(139), to rezone additional property to allow a parking lot for Modesto City Hospital, property located on the east corner of 17th and H Streets, and

WHEREAS, City Council Resolution No. 87-1051, adopted September 15, 1987, approved the development plan containing the conditions of approval and the development schedule, and

WHEREAS, City Council Ordinance No. 2830-C.S., which was introduced on October 6, 1992, finally adopted on October 20, 1992, and which became effective on November 19, 1992, amended Planned Development Zone, P-D(139), to rezone additional property to allow additional off-street parking and accommodation of a trash compactor, property located on the southwest side of 18th Street, north of G Street, and

WHEREAS, City Council Resolution No. 92-547, adopted October 6, 1992, approved the development plan containing the conditions of approval and the development schedule, and

WHEREAS, a verified application for an amendment to Planned Development Zone, P-D(139), was filed by Associated Engineering Group, Inc., on February 11, 2002, to allow a funeral parlor and related uses exclusive of cremation, property located at the south corner of 18th and H Streets, and

WHEREAS, after a public hearing held on April 15, 2002, in the Tenth Street Place Chambers located at 1010 10th Street, Modesto, California, it was found and determined by the Planning Commission, by its Resolution No. 2002-21, that amendment of Planned Development Zone, P-D(139), as requested is required by public necessity, convenience, and general welfare for the following reasons:

1. The amendment will not result in any significant physical change to the subject property.

2. The conditions of approval will help to ensure compatibility with the surrounding area.
WHEREAS, said matter was set for a public hearing of the City Council to be held on May 14, 2002, in the Tenth Street Place Chambers located at 1010 10th Street, Modesto, California, at which date and time said duly noticed public hearing was held, and

WHEREAS, after said public hearing the Council found and determined that the application of Associated Engineering Group, Inc. for an amendment to Planned Development Zone, P-D(139), should be granted as consonant with public necessity, convenience and general welfare for the reasons set forth in Planning Commission Resolution No. 2002-21 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 3260-C.S. on the 14th day of May, 2002, amending Section 2 of Ordinance No. 1502-C.S. to allow a funeral parlor and related uses exclusive of cremation,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that Sections 1 and 2 of Modesto City Council Resolution No. 76-407 entitled “A Resolution Approving A Development Plan For Planned Development Zone, P-D(139). (Modesto City Hospital)” is hereby amended to read as follows:

SECTION 1. DEVELOPMENT PLAN. The development plan for Planned Development Zone, P-D(139), is hereby approved subject to the following conditions:

1. All development shall conform to the site plan and elevations titled “Planned Development – Neptune Society" as amended in red, stamped approved by the City Council on May 14, 2002.

2. Prior to the issuance of a building permit, a landscaping and irrigation plan shall be approved by the Chief Building Official. Landscaping and the irrigation system shall be installed and maintained in accordance with the approved plan.

3. All landscaping, fences, and walls shall be maintained and the premises shall be kept free of weeds, trash, and other debris.

4. Prior to issuance of a building permit the developer shall dedicate public utility easements as required by the utility companies and the Engineering and Transportation Director.

5. Prior to issuance of a building permit, the developer shall show on the plans submitted to Building Inspection all fire hydrants as required by the Fire Chief. All hydrants required by the Fire Chief shall be installed and operable prior to construction of any structures.
6. Trash bins shall be kept in enclosures in accordance with the approved plan and in accordance with plans approved by the Operations and Maintenance Department Director. Enclosures shall be constructed of building materials consistent with those used in the major buildings as approved by the Community Development Department Director.

7. No operations conducted on the premises shall cause an unreasonable amount of noise, odor, dust, mud, smoke, vibration, or electrical interference detectable off the premises. All machinery or equipment shall be soundproofed as required by the Engineering and Transportation Director.

8. The developer shall indemnify, defend and hold harmless the City of Modesto, its agents, officers, and employees from any and all claims, actions, or proceedings against the City of Modesto, its agents, officers, and employees to arbitrate, attack, review, set aside, void, or annul, any approval by the City of Modesto of a development approval. The City of Modesto shall promptly notify the developer of any claim, action, or proceeding and shall cooperate fully in the defense. If the City fails to do so, the developer shall not thereafter be responsible to defend, indemnify, or hold City harmless.

9. All conditions of City Council Resolution No. 76-407 as amended by City Council Resolution Nos. 77-844, 87-1051, and 92-547 not in conflict with this action shall remain in full force and effect.

SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone, P-D(139):

That the entire construction program be accomplished in one phase, construction to begin on or before May 14, 2004, and be completed by not later than May 14, 2005.

SECTION 3. CHANGES IN DEVELOPMENT PLAN. Any changes in the above-approved development shall be made in accordance with the provisions of Section 10-2.1709 of the Modesto Municipal Code.

SECTION 4. COMPLIANCE WITH CODE PROVISIONS, ETC. In all other respects said planned development shall be accomplished in accordance with and in strict adherence to the provisions of Article 17 of Title 10 of the Modesto Municipal Code relating to Planned Development Zones and other applicable City laws, rules, regulations and procedures.
SECTION 5. EFFECTIVE DATE. This resolution shall not become effective unless and until the ordinance amending Planned Development Zone, P-D(139), becomes effective.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of May, 2002, 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, 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
A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS WITHIN THE SCOPE OF THE PROJECT COVERED BY THE MODESTO URBAN AREA GENERAL PLAN MASTER ENVIRONMENTAL IMPACT REPORT (SCH NO. 92052017): AMENDING PLANNED DEVELOPMENT ZONE, P-D(139) TO ALLOW A FUNERAL PARLOR USE EXCLUSIVE OF CREMATION, PROPERTY LOCATED AT THE SOUTH CORNER OF 18TH AND H STREETS (ASSOCIATED ENGINEERING GROUP, INC.)

WHEREAS, on August 15, 1995, the City Council of the City of Modesto certified the Final Master Environmental Impact Report ("Master EIR") (SCH No. 92052017) for the Modesto Urban Area General Plan, and

WHEREAS, Associated Engineering Group, Inc., has proposed that the allowed an amendment to Planned Development Zone, P-D(139), to allow a funeral parlor uses exclusive of cremation, property located at the south corner of 18th and H Streets ("the project"), , and

WHEREAS, Section 21157.1 of the Public Resources Code, relating to reviewing subsequent projects for a Master EIR, states that the lead agency shall prepare an Initial Study on any proposed subsequent project to analyze whether the subsequent project may cause any significant effect on the environment that was not examined in the master environmental impact report and whether the subsequent project was described in the Master Environmental Impact Report as being within the scope of the project, and

WHEREAS, the City’s Community Development Department by Environmental Assessment Initial Study CDD 2002-14 reviewed the proposed amendment to Planned-Development Zone, P-D(139), to determine whether the project is within the scope of the project covered by the Modesto Urban Area General Plan Master EIR, and made the determination that the proposed project will have no additional significant effect on the
environment that was not identified in the Master EIR and, further, that no new or additional mitigation measures or alternatives are required, and that, therefore, the proposed project is within the scope of the project covered by the Master EIR, and

WHEREAS, said matter was considered by the City Council at a duly noticed public hearing which was held on May 14, 2002, at 5:15 p.m., in the Tenth Street Place Chambers located at 1010 10th Street, Modesto, California,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered Environmental Assessment No. EA/CDD 2002-14, for the proposed amendment to Planned Development Zone, P-D(139), a copy which is attached hereto as Exhibit “A”, and incorporated herein by reference, and based on the substantial evidence included in said Initial Study, makes the following findings:

1. That the project will have no new additional significant effects on the environment that were not identified in the Master EIR, and no new or additional mitigation measures would be required.

2. That, as per Section 21157.1 of the Public Resources Code, no new environmental document or findings are required by the California Environmental Quality Act (CEQA).

3. That there are no specific features which are unique to the proposed project that require project specific mitigation measures. Accordingly, the certified mitigation measures identified in the Master EIR will be sufficient for this project.

4. That all feasible mitigation measures set forth in the Master EIR which are appropriate to the project shall be incorporated in the project.

5. The initial study, Environmental Assessment No. EA/CDD 2002-14, provides the substantial evidence to support the above findings.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of May, 2002, 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, 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
EXHIBIT "A"

INITIAL STUDY

EA/CDD NO. 2002-14
City of Modesto
Initial Study

Amend P-D(139) to Allow Funeral Parlor

EA/CDD 2002-14
April 1, 2002

I. PURPOSE

Section 21157.1 of the Public Resources Code, allows for limited environmental review of subsequent projects under a Master EIR, provided that certain findings are made. The Modesto Urban Area General Plan Master EIR (SCH No. 92052017), adopted August 15, 1995, allows such limited review for projects in the Baseline Developed Area that are consistent with the General Plan and existing zoning.

This Initial Study, in accordance with Section 21157.1(b) of the Public Resources Code, analyzes whether this project may cause any significant effects on the environment that were not examined in the General Plan Master EIR. This Initial Study also provides documentation that the project is within the scope of the General Plan Master EIR.

II. PROJECT DESCRIPTION

A. Project title:
Public Hearing - Application of Associated Engineering Group, Inc., to amend P-D(139) to allow a funeral parlor, property located at the south corner of “H” and 18th Streets.

B. Lead agency name and address:
City of Modesto, PO Box 642, Modesto, CA 95353

C. Contact person, address and phone number:
Brad Wall
City of Modesto Community Development Department
1010 10th Street, Suite 3100
Modesto, CA 95353
(209) 577-5282

D. Project Location:
south corner of “H” and 18th Streets

E. Project Sponsor:
Associated Engineering Group, Inc.
Jim P. Freitas
4206 Technology Drive
Modesto CA 95356

F. General Plan Designation:
Redevelopment Planning District (RPD)

G. Current Zoning:
Planned Development (139)
H. Description of Proposed Project:
This is a review of an application for a P-D amendment to allow a funeral parlor and related uses within an existing building(s) on property located at the south corner of "H" and 18th Streets. The surrounding area is developed with commercial uses to the north and west, and medical/professional office uses to the south and east.

I. Surrounding land uses: (See "H." above.)

J. Other public agencies whose approval is required: None.

III. ANALYSIS OF CONFORMANCE WITH THE MASTER EIR

There are eighteen subject areas in the Master EIR (MEIR) for the General Plan. Following is an analysis of how this project conforms with the analysis contained within the MEIR.

A. Traffic and Circulation

Amendment of the Planned Development Zone to allow a funeral parlor will not contribute significantly to increased traffic in the area. As a result, the proposed development is consistent with the Traffic and Circulation Needs section of the MEIR. Therefore, the Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Traffic and Circulation Needs (pages IV-1-1 through IV-1-38) are still valid.

B. Degradation of Air Quality

The air quality impacts for the proposed project are directly related to the traffic impacts. Since traffic impacts are no greater than those anticipated in the Master EIR, the proposed project will not cause additional impacts to air quality beyond those described in the Degradation of Air Quality section of the MEIR. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Degradation of Air Quality (pages IV-2-1 through IV-2-25) are therefore still valid.

C. Generation of Noise

The proposed project is consistent with the General Plan in land use and intensity. Although it is located within the noise contours shown on Figure 3-2 of the MEIR, no additional noise-attenuation measures are necessary due to the nature of the project. Therefore, the Mitigation Measures listed in the MEIR for Generation of Noise (pages IV-3-1 through IV-3-33) are still valid.

D. Loss of Productive Agricultural Land

The project area is located in an urbanized portion of Modesto, and there are no agricultural lands affected by this project. The Existing Conditions, Impacts Analysis, and Mitigation Measures listed in the MEIR for Loss of Productive Agricultural Land (pages IV-4-1 through IV-4-16) are still valid.
E. Increased Demand for Water Supplies

The proposed project is consistent with the General Plan in land use and intensity, and will provide the necessary infrastructure to provide water service to the site. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Increased Demand for Water Supplies (pages IV-5-1 through IV-5-11) are therefore still valid.

F. Increased Demand for Sanitary Sewer Services

The proposed project is consistent with the General Plan in land use and intensity, and will provide the necessary infrastructure to provide sanitary sewer service to the project site. Therefore, the Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Increased Demand for Sanitary Sewer Services (pages IV-6-1 through IV-6-9) are still valid.

G. Loss of Sensitive Wildlife and Plant Habitat

The project is located in a built-up urban area and is not located in a Potential Biological Resource Study Area, as presented in Figure 7-1 of the MEIR. Therefore, the project will not impact sensitive wildlife or any plant habitat above and beyond that which was identified in the Loss of Sensitive Wildlife and Plant Habitat section of the MEIR. Therefore, the Existing Conditions, Impact Analysis, and the Mitigation Measures listed in this section of the MEIR (pages IV-7-1 through IV-7-30) are still valid.

H. Disturbance of Archaeological and Historic Sites

This project will not disturb any archaeological or historic sites that have been identified in the Disturbance of Archaeological or Historical Sites section of the MEIR. Figure 8-1 of the MEIR indicates that it is also outside the Archaeological Resource Study Area, which shows areas that may require additional site-specific investigations. Therefore, the Existing Conditions, Impact Analysis, and the Mitigation Measures listed in the MEIR for Disturbance of Archaeological or Historical Sites (pages IV-8-1 through IV-8-21) are still valid.

I. Drainage, Flooding and Water Quality

The proposed project is consistent with the General Plan in land use and intensity, and will conform to the City's standards for drainage, flood control and water quality. The mitigation measures in the Master EIR will not reduce the impacts of increased runoff within the baseline developed area to a less than significant level. In adopting the Master EIR, the City Council adopted a finding of overriding findings for this impact. Therefore, the Existing Conditions, Impact Analysis, and the Mitigation Measures listed in the MEIR for the Drainage, Flooding, and Water Quality (pages IV-9-1 through IV-9-23) are still valid.

J. Increased Demand for Storm Drainage

The proposed project is consistent with the General Plan in land use and intensity, and will provide the necessary infrastructure to provide the necessary storm drainage. The mitigation measures contained in the Master EIR will not reduce the impacts of increased runoff within the baseline developed area to a less than significant level. In adopting the
Master EIR, the City Council adopted a finding of overriding findings for this impact. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Storm Drainage (pages IV-10-1 through IV-10-8) are still valid.

K. **Increased Demand for Parks and Open Space**

The MEIR concluded that demand for parks and open space would be mitigated through the payment of Capital Facilities Fees (CFF) for new development, which would be used for the development of new parks. Since the City's CFF program applies to this project, the Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Parks and Open Space (pages IV-11-1 through IV-11-11) are still valid.

L. **Increased Demand for Schools**

The MEIR concluded that demand for schools would be mitigated by collection of fees by the affected school districts. Since this project would be required to pay these fees, as applicable, the Existing Conditions, Impacts Analysis, and Mitigation Measures listed in the MEIR for the Increased Demand for Schools (pages IV-12-1 through IV-12-11) are still valid.

M. **Increased Demand for Police Services**

The proposed project is consistent with the General Plan in land use and intensity. Therefore, the Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Police Services (pages IV-13-1 through IV-13-8) are still valid.

N. **Increased Demand for Fire Services**

The proposed project is consistent with the General Plan in land use and intensity. Therefore, the Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Fire Services (pages IV-14-1 through IV-14-9) are still valid.

O. **Generation of Solid Waste**

The proposed project is consistent with the General Plan in land use and intensity. Therefore, the Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Generation of Solid Waste (pages IV-15-1 through IV-15-10) are still valid.

P. **Generation of Hazardous Materials**

The proposed project is consistent with the General Plan in land use and intensity. Therefore, the Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Generation of Hazardous Materials (pages IV-16-1 through IV-16-15) are still valid.
Q. Landslides and Seismic Activity

This project will result in no additional potential for exposing people to landsides or earthquake related hazards such as liquefaction beyond those identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Landslides and Seismic Activity (pages IV-17-1 through IV-1-11) are therefore still valid.

R. Energy

The proposed project is consistent with the General Plan in land use and intensity. Therefore, the Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Energy (pages IV-18-1 through IV-18-6) are still valid.

IV. CONCLUSIONS/DETERMINATIONS OF FINDINGS

A. The proposed amendment to Planned Development Zone No. 139, to allow a funeral parlor and related uses, is within the scope of the General Plan Master EIR (SCH No. 92052017) which analyzed the potential impacts of buildout of the Baseline Developed Area.

B. No additional significant environmental effects will occur as a result of the proposed project that were not previously examined in the General Plan Master EIR.

C. No new mitigation measures or alternatives will be required as a result of the proposed project that were not previously considered in the General Plan Master EIR.

D. There are no specific features unique to this project that require project specific mitigation measures. All certified mitigation measures identified in the MEIR will apply city wide, including this project as appropriate.

E. This initial study provides substantial evidence to support findings A, B, C, and D above.

Signature:

Brad Wall,
Associate Planner
MODESTO CITY COUNCIL
RESOLUTION NO. 2002 - 252


WHEREAS, on May 14, 2002, the Staff presented to the City Council the Operating and Capital Improvement Program budgets for Fiscal Year 2003; and

WHEREAS, the budget review process requires that a public hearing be held before budget adoption.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that Tuesday, May 28, 2002, at 5:15 p.m., located in the Chambers at 1010 Tenth Street, Modesto, California, is hereby set as the date, time and place for a public hearing to review and consider the Operating and Capital Improvement Program budgets for Fiscal Year 2003, a copy of which is on file in the office of the City Clerk.

BE IT FURTHER RESOLVED that staff is authorized to send notices as provided by law of the proposed Operating and Capital Improvement Program budgets.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of May, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Conrad, 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
MODESTO CITY COUNCIL
RESOLUTION NO. 2002 - 253

A RESOLUTION AMENDING THE BUDGET FOR THE FISCAL YEAR 2001-2002 ANNUAL BUDGET

WHEREAS, 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 2001-2002.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that appropriations, revenues, and transfers for the 2001-2002 budget have been adjusted as shown in Attachment 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 14th day of May, 2002, by Mayor Sabatino, who moved its adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following votes:

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: MIKE MILICH, City Attorney

05/14/02/Finance/G Adams Bailey

2002-253
A RESOLUTION APPROVING RENEWAL OF PROPERTY AND BOILER & MACHINERY INSURANCE FOR THE CITY OF MODESTO OWNED AND/OR OPERATED PROPERTIES

WHEREAS, since 1993, Robert F. Driver Associates (now Driver Alliant Insurance Services) has been the Broker of Record for the City’s property-related needs, and

WHEREAS, Driver has developed a joint-purchasing group of clients called PEPIP (Public Entity Property Insurance Program) which includes over 2,800 public entities in 7 different states with over $70 billion in insured values, and

WHEREAS, PEPIP’s loss experience, coverage form and pricing have been the most competitive in the industry, and

WHEREAS, renewal of said insurance is due on May 15, 2002, and

WHEREAS, staff has received the initial renewal quote that provides for a 246% rate increase ($332,886 for property and $9,940 for boiler and machinery coverage) due to the devastating effects of September 11th, and

WHEREAS, staff has requested the Broker to pursue additional options, and

WHEREAS, due to time constraints in the renewal process, staff will present details on alternatives to the Council on May 14th, and

WHEREAS, based upon policy direction received from Council, staff will bind coverage through PEPIP,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Risk Manager is hereby authorized to bind property and boiler and machinery insurance coverage as presented by the City’s Broker of Record, including increasing the City’s deductible for vehicles comp and collection coverage from $5,000 to $25,000.

BE IT FURTHER RESOLVED that the Budget Department will amend the Risk Management Budget appropriately for the increases.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of May, 2002, by Councilmember Conrad, 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, 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

05/14/02/Risk/D Norris 2 2002-254
MODESTO CITY COUNCIL
RESOLUTION NO. 2002-255

A RESOLUTION FINDING THAT THE FOLLOWING PROJECTS ARE CONSISTENT WITH THE SCOPE OF THE VILLAGE ONE ENVIRONMENTAL IMPACT REPORT (SCH NO. 90020181), AS AMENDED BY THE 1994 SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT FOR VILLAGE ONE: EXCAVATION OF THE CENTRAL AND WEST BASINS LOCATED IN VILLAGE ONE (CITY INITIATED)

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

WHEREAS, on May 24, 1994 the Modesto City Council certified the Final Supplemental EIR for Village One which supersedes and updates the Village One Program EIR, and

WHEREAS, on January 9, 2001, the Modesto City Council reviewed and considered Environmental Assessment No. EA/CDD 2000-73, and adopted findings that the project proposed within Precise Plan Area No. 31, including but not limited to the excavation and construction of the proposed storm drain basin known as the Central Basin, was within the scope of the Village One Program Environmental Impact Report (SCH No. 90020181), as amended by the 1994 Final Supplemental EIR for Village One, and

WHEREAS, on July 24, 2001, the Modesto City Council reviewed and considered Environmental Assessment No. EA/CDD 2001-41, and adopted findings that the project proposed in Precise Plan Area No. 14, including but not limited to the excavation and construction of the storm drain basin/park known as the West Basin, was within the scope of the Village One Program Environmental Impact Report (SCH No. 90020181), as amended by the 1994 Final Supplemental EIR for Village One, and

WHEREAS, the City of Modesto desires to undertake projects to excavate both the Central and West storm drainage basins located in Village One, and
WHEREAS, the City's Community Development and Economic Department reviewed the proposed projects to determine if said projects might have a significant effect on the environment as set forth in Environmental Impact Reports EA/CDD 2000-73 and EA/CDD 2001-41, and

WHEREAS, pursuant to Environmental Impact Reports EA/CDD 2000-73 and EA/CDD 2001-41, the City's Community Development and Economic Department has determined that the proposed projects have been adequately addressed and therefore, are within the scope of the Village One Program EIR (SCH No. 90020181), as amended by the 1994 Village One Supplemental EIR,

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

1. As per Sections 15168(c) and 15182 of the California Environmental Quality Act ("CEQA") Guidelines, these projects are within the scope of the projects covered by the Village One Specific Plan Program EIR, as amended by the Village One Supplemental EIR ("Program EIR") and no new environmental document or findings are required by CEQA.

2. These projects will have no new effects that were not examined in the Program EIR and no new mitigation measures would be required.

3. There are no substantial changes proposed in the projects that will require major revisions of the Program EIR.

4. There are no substantial changes occurring with respect to the circumstances under which the projects are being undertaken which will require major revisions in the Program EIR.

5. No new information, which was not known and could not have been known at the time the Program EIR was certified as complete, has become available.

6. There are no specific features that are unique to the proposed projects that require project specific mitigation measures. Accordingly, the certified mitigation measures identified in the Program EIR will be sufficient for these projects.

7. All feasible mitigation measures set forth in the Program EIR that are appropriate to these projects shall be incorporated in the projects.

8. Environmental Assessment Nos. EA/CDD 2000-73 and EA/CDD 2001-41 provide the substantial evidence to support the above findings.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of May, 2002, by Councilmember Fisher, 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, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

(Seal)

APPROVED AS TO FORM:

By: ________________

MICHAEL D. MILICH, City Attorney

ATTEST: ________________

JEAN ZAHR, City Clerk
A RESOLUTION AMENDING THE BUDGET BY $1,032,000.00 TO PROVIDE ADDITIONAL FUNDING FOR THE COST OF REBUILDING NINE (9) 1990 GILLIG TRANSIT BUSES.

WHEREAS, Resolution 2001-123 was approved by the City Council on March 20, 2001, to issue a contract with Complete Coach Works of Riverside, California to re-power and re-build nine 1983 Gillig Buses, and

WHEREAS, the Engineering and Transportation Department has requested that a change order for $1,032,000.00 be issued to this existing contract dated March 20, 2001, with Complete Coach Works to add nine additional buses to the contract, and

WHEREAS, the cost to rebuild and re-power each bus is expected to be approximately $114,618, including non-contract costs, and

WHEREAS the original Complete Coach Works Contract was funded in CIP 6510-160-L102 with Federal and Local Transportation Funds as adopted in the FY2002 CIP Budget, and

WHEREAS new Federal and Local Transportation Funds will be available to the City for the Funding of this project in FY2003,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the budget to increase expense account CIP 6510-160-L102 Refurbish 1983/1990 Gillig Buses, by $1,032,000.00, said increased funds coming from reserve account in Fiscal Year 2002-2003 City CIP Budget.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of May, 2002, by Councilmember Fisher, 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, Fisher, Frohman, Jackman, Keating, O’Bryant, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
JEAN ZAHR, City Clerk
A RESOLUTION AMENDING RESOLUTION 2001-123 AND APPROVING A CHANGE ORDER IN THE AMOUNT OF $1,032,000.00 TO AN EXISTING CONTRACT WITH COMPLETE COACH WORKS, OF RIVERSIDE, CALIFORNIA, TO ALLOW FOR THE REBUILDING OF NINE (9) 1990 GILLIG TRANSIT BUSES.

WHEREAS, by Resolution No. 2001-123 the City Council approved a contract with Complete Coach Works of Riverside, California, on March 20, 2001, to re-power and rebuild nine 1983 Gillig Buses, and

WHEREAS, the Engineering and Transportation Department has requested that a change order for $1,032,000.00 be issued to the existing contract with Complete Coach Works, to add nine (9) additional 1990 Gillig buses to the contract, and

WHEREAS, this project consists of replacing and repairing mechanical components in each of the subject buses as necessary, dependent upon their condition, and adding new equipment, and

WHEREAS, the interior of the buses will include a new driver’s area and refurbished wheelchair tie-down equipment, and

WHEREAS, the interior will also include the addition of air-assisted exit doors, a new passenger signal system, and a video surveillance system, and

WHEREAS, the buses will be powered with state of the art clean diesel engines with exhaust which appears smokeless, and

WHEREAS, the component prices for the original contract will apply to the change order, and

WHEREAS, the cost to rebuild and re-power each bus is expected to be approximately $114,618, including non-contract costs,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a change order to the Complete Coach Works contract dated March 20, 2001, in the amount of $1,032,000.00 for the rebuilding of nine (9) additional 1990 Gillig buses.
BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute a change order to the contract with Complete Coach Works for $1,032,000.00.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of May, 2002, by Councilmember Fisher, 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, Fisher, Frohman, Jackman, Keating, O'Byrant, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2002-257

A RESOLUTION APPROVING THE FINAL MAP OF MONTEREY BAY UNIT NO. 3 SUBDIVISION OF THE CITY OF MODESTO

WHEREAS, BRIGHT DEVELOPMENT, a California Corporation, is possessed of a tract of land situated in the City of Modesto, County of Stanislaus, consisting of 12.72 acres, known as Monterey Bay Unit No. 3 in the Carver-Bangs Specific Plan Area ("Subdivision"), and

WHEREAS, a tentative map of said tract was approved by the Planning Commission of the City of Modesto on the 17th day of April, 2000, and

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

WHEREAS, the City Engineer of the City of Modesto has certified that the final map of said MONTEREY BAY UNIT NO. 3 meets all of the provisions of the California Subdivision Map Act and the provisions of the Modesto Municipal Code relating to subdivisions, and that the map is technically correct,

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

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of May, 2002, by Councilmember Fisher, 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, Fisher, Keating, O'Bryant

NOES: Councilmembers: Frohman, Jackman, Mayor Sabatino

ABSENT: Councilmembers: None

ATTEST: Jean Zahr

JEAN ZAHR, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2002-258

A RESOLUTION APPROVING A FIVE-YEAR AGREEMENT WITH MV TRANSPORTATION, INC. TO OPERATE THE MODESTO AREA EXPRESS (MAX) BUS SERVICE AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT.

WHEREAS, the existing agreement with Laidlaw Transit Services to operate the Modesto Area Express (MAX) bus service expires May 31, 2002, and

WHEREAS, the City wishes to continue providing bus service to the citizens of Modesto, and

WHEREAS, the City Council authorized staff to solicit proposals for a new five-year contract to be effective June 1, 2002, and

WHEREAS, four proposals were received for the contract, and

WHEREAS, MV Transportation, Inc. submitted the lowest price for the five-year contract, and

WHEREAS, certain Councilmembers, having personally experienced the service levels of Laidlaw, found them less than satisfactory, and

WHEREAS, the RFP (pg. A-2, para. c) reserved to the City Council the right to award a contract to the proposer best suiting the City’s needs as determined by the Council, whether or not the City Council’s choice is consistent with staff’s recommendation for the award, and

WHEREAS, the City reserved the right to be the sole judge of the responsibility and suitability of any proposer, and

WHEREAS, the City Council determined that MV Transportation, Inc. would provide an acceptable level of service,
NOW, THEREFORE, BE IT RESOLVED by the City Council that it hereby approves a five-year operations contract with MV Transportation Inc., on behalf of the City of Modesto.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of May, 2002, by Councilmember Fisher 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, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2002-259


WHEREAS, Resolution No. 2002-195, adopted by the Council of the City of Modesto on April 23, 2002, set a public hearing date of June 18, 2002, on the question of the levy of the proposed annual assessment, and

WHEREAS, under the revised city Council Calendar, the Council will not be meeting on June 18, 2002,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the public hearing on the question of the levy of the proposed annual assessment for Landscape Maintenance Assessment District No. 1 for Dry Creek Meadows Subdivision Nos. 1-6 will be held on Tuesday, June 25, 2002, at the hour of 5:15 p.m. in the Tenth Street Place Chambers located at 1010 10th Street, Modesto, California.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of May, 2002, by Councilmember Fisher, 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, Fisher, Frohman, Jackman, Keating, O’Bryant, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHRI City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2002-260

A RESOLUTION CHANGING THE PUBLIC HEARING DATE OF JUNE 18, 2002 SET BY RESOLUTION NO. 2002-196 FOR LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NO. 2 FOR DRY CREEK MEADOWS SUBDIVISION NOS. 7-10, CREEKWOOD MEADOWS SUBDIVISION AND YOSEMITE MEADOWS SUBDIVISION UNITS 1 & 2, AND SETTING A NEW PUBLIC HEARING DATE OF JUNE 25, 2002, ON THE LEVY OF THE PROPOSED ANNUAL ASSESSMENT

WHEREAS, Resolution No. 2002-196 adopted by the Council of the City of Modesto on April 23, 2002, set a public hearing date of June 18, 2002 on the question of the levy of the proposed annual assessment, and

WHEREAS, under the revised city Council Calendar, the Council will not be meeting on June 18, 2002,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the public hearing on the question of the levy of the proposed annual assessment for Landscape maintenance Assessment District No. 2 for Dry Creek Meadows Subdivision Nos. 7-10 will be held on Tuesday, June 25, 2002, at the hour of 5:15 p.m. in the Tenth Street Place chambers located at 1010 10th Street, Modesto, California.
The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 28th day of May, 2002, by Councilmember Fisher, 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, Fisher, Frohman, Jackman, Keating,
O’Bryant, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr

JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2002-261

A RESOLUTION AWARDING A BID TO, AND AUTHORIZING THE CITY MANAGER TO ENTER AN AGREEMENT WITH PHARMACEUTICAL CARE NETWORK (PCN), SACRAMENTO, CA, TO PROVIDE A PHARMACY BENEFITS MANAGEMENT (PBM) PROGRAM FOR THE CITY OF MODESTO WORKERS’ COMPENSATION PROGRAM FOR AN ESTIMATED ANNUAL AMOUNT OF $110,000.00, WITH THE OPTION OF THREE (3) ADDITIONAL, ONE-YEAR EXTENSIONS.

WHEREAS, the City of Modesto has deemed it necessary have a Pharmacy Benefits Management program for the City of Modesto, Workers’ Compensation Program, and

WHEREAS, a Pharmacy Benefits Management (PBM) program traditionally has afforded significant cost savings to the City on Workers’ Compensation pharmacy claims, and

WHEREAS, the estimated cost for the Pharmacy Benefits Management Program is $110,000.00 annually, and

WHEREAS, based on increased vendor competition, and following Council approval, staff solicited bid proposals, and

WHEREAS, nine (9) vendors were solicited and one (1) chose to respond, and

WHEREAS, said response was received from Pharmaceutical Care Network (PCN), Sacramento, CA, and

WHEREAS, PCN is currently providing PBM program services to the City for it’s Workers’ Compensation Program, and

WHEREAS, PCN has agreed to hold their current pricing rate and provide the City with enhanced reporting and software capabilities, and

WHEREAS, by awarding a bid to the existing vendor the City shall ensure continuity of services, and

WHEREAS, the Risk Management Division of the Personnel Department has worked closely with the Purchasing Division of the Finance Department in the evaluation of the bid specifications, and
WHEREAS, the City Manager upon Council approval will enter into a three (3) year agreement with Pharmaceutical Care Network (PCN) Sacramento, CA, with three (3), one year extension options, to provide a Pharmacy Benefits Management program for the City of Modesto, Workers’ Compensation program, for an annual estimated cost of $110,000.00,

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby awards a bid to Pharmaceutical Care Network (PCN) of Sacramento, CA, to provide a Pharmacy Benefits Management program for the City of Modesto, Workers’ Compensation program, for an annual estimated cost of $110,000.00,

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to enter into, and execute, a three (3) year agreement with PCN, with three (3), one-year extension options,

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of May, 2002, by Councilmember Fisher, 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, 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
MODESTO CITY COUNCIL
RESOLUTION NO. 2002 – 262

A RESOLUTION AUTHORIZING THE CITY MANAGER TO SUBMIT A GRANT APPLICATION FOR “PROPOSITION 12” TREE PLANTING GRANT PROGRAM FUNDS AND NEGOTIATE AN AGREEMENT WITH THE STATE DEPARTMENT OF FORESTRY AND FIRE PROTECTION FOR SUBSEQUENT COUNCIL APPROVAL.

WHEREAS, the Governor of the State of California, in cooperation with the California State Legislature, has enacted Proposition 12 which provides funds to the State of California and its political subdivisions for urban forestry programs, and

WHEREAS, the State Department of Forestry and Fire Protection has been delegated the responsibility for the administration of the program within the State, setting up necessary procedures governing application by local agencies and non-profit organizations under the program, and

WHEREAS, said procedures established by the State Department of Forestry and Fire Protection require the applicant to certify by resolution the approval of the application before submission of said application to the State, and

WHEREAS, the applicant will negotiate an agreement with the State of California to carry out a tree planting project and return to the Council for approval of the agreement,

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

1. The City Council approves the submittal of an application for “Proposition 12” tree planting grant program funds, and

2. Certifies that the City has or will have sufficient funds to operate and maintain the project, and

3. Certifies that funds are available to begin the project, and

4. Certifies that the City shall expend grant funds prior to March 1, 2005.
BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute said grant application and negotiate subsequent agreements.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of May, 2002, by Councilmember Fisher, who moved its adoption, which motion being duty seconded by Councilmember Frohman, 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
MODESTO CITY COUNCIL 
RESOLUTION NO. 2002-263


WHEREAS, the City of Modesto is currently developing a Master Plan for the Virginia Corridor Bike Path, and

WHEREAS, staff has been informed of the opportunity for StanCOG to apply for Bicycle Transportation Account (BTA) funding on behalf of the City of Modesto through the State of California Department of Transportation, and

WHEREAS, the BTA is intended to provide funds for transportation projects that provide important and low cost modes of transportation and that improve safety and convenience for bicycle commuters, and

WHEREAS, the total costs for both phases of the project are estimated to be $3,750,649, and

WHEREAS, a local match of 10% ($375,065) is required, with the match to be provided from the Park Fund (1400),

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby supports an application by the Stanislaus Council of Governments for $3,375,584 for Bicycle Transportation Account program funding through the State of California Department of Transportation for development of phases I and III of the Virginia Corridor and certifying availability of $375,065 for the required ten percent (10%) local share of the total project cost of $3,750,649.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of May, 2002, by Councilmember Fisher, 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, 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 SUPPORTING INCLUSION OF THE VIRGINIA CORRIDOR BIKE PATH AND A PORTION OF PELANDALE AVENUE AS PROPOSED BICYCLE ROUTES IN THE STANISLAUS COUNCIL OF GOVERNMENTS 2001 REGIONAL BIKE PLAN.

WHEREAS, the City of Modesto is currently developing a Master Plan for the Virginia Corridor Bike Path, and

WHEREAS, supporting inclusion of the Virginia Corridor Bike Path and a portion of Pelandale Avenue as proposed bicycle routes in the StanCOG 2001 Regional Bicycle Plan will make the City of Modesto eligible for Bicycle Transportation Account (BTA) funding for bicycle-related projects within these two defined areas, and

WHEREAS, the BTA is intended to provide funds for transportation projects that provide important and low cost modes of transportation and that improve safety and convenience for bicycle commuters,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby supports inclusion of the Virginia Corridor Bike Path and a portion of Pelandale Avenue as proposed bicycle routes in the StanCOG 2001 Regional Bicycle Plan.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of May, 2002, by Councilmember Fisher, 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, Fisher, Frohman, Jackman, Keating, O’Bryant, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich
MICHAEL D. MILICH, City Attorney
A RESOLUTION APPROVING THE SALE OF THE NOTE AND DEED OF
TRUST EXECUTED BY THE PRESCOTT ESTATE HOMEOWNERS
ASSOCIATION TO CHRYSLER PALISADES ASSOCIATES LP FOR THE
AMOUNT OF $120,000 AND AUTHORIZING THE CITY MANAGER TO
EXECUTE THE NECESSARY DOCUMENTS FOR THE SALE.

WHEREAS, on October 1, 1998, the City of Modesto entered into an agreement
with Prescott Homeowners Association for a loan of $150,000 for roof repairs, with the
property and units at Prescott Estates taken as collateral, and

WHEREAS, Chrysler Palisades Associates, a limited partnership, has purchased a
majority of the units at Prescott Estates which give them control of the Homeowners
Association, and

WHEREAS, Chrysler Palisades Associates desires to purchase the Note and Deed of Trust executed by Prescott Estates Homeowners Association for $120,000, and

WHEREAS, the Housing Rehabilitation Loan Committee met on May 9, 2002,
and supported the recommendation to sell the Note and Deed of Trust to Chrysler Palisades Associates,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that the Council hereby approves the sale of the Note and Deed of Trust executed by the
Prescott Estates Homeowners Association to Chrysler Palisades Associates LP for the
amount of $120,000.

BE IT FURTHER RESOLVED that the City Manager or his designee is hereby
authorized to execute the necessary documents for the sale.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of May, 2002, by Councilmember Fisher, 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, 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
MODESTO CITY COUNCIL
RESOLUTION NO. 2002-266

A RESOLUTION APPROVING A PROFESSIONAL SERVICE AGREEMENT WITH TOWN HALL SERVICES AND AUTHORIZING THE CITY MANAGER TO EXECUTE SAID AGREEMENT AND AUTHORIZING THE CITY MANAGER TO INCREASE THE SCOPE OF THE AGREEMENT BY $6,500 SHOULD AN INCREASE IN THE SCOPE OF THE STUDY BE DEEMED DESIRABLE

WHEREAS, the City of Modesto periodically updates its Capital Facility Fee program, and
WHEREAS, the City Council approved a capital improvement budget to conduct a study to update the Capital Facility Fee program,
NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the agreement with Town Hall Services.
BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the agreement.
BE IT FURTHER RESOLVED that the City Manager, or his designee, is authorized to increase the scope of the agreement with Town Hall Services by $6,500 should such increase in scope of the study be desirable in the City Manager’s judgment.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto on the 28th of May, 2002 by Councilmember Fisher, who moved its adoption, which motion was duly seconded by Councilmember Frohman, 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
MODESTO CITY COUNCIL
RESOLUTION NO. 2002-267

A RESOLUTION APPROVING AND AUTHORIZING SUBMISSION OF THE FISCAL YEAR 2003 ANNUAL TRANSPORTATION CLAIM, FOR TRANSIT PURPOSES ONLY, TO THE STANISLAUS COUNCIL OF GOVERNMENTS

WHEREAS, the greatest portion of the City’s funding for the Transit Service Program, other than fare revenues and federal funds, is the Local Transportation Fund (LTF), and

WHEREAS, on February 13, 2002, the Stanislaus Council of Governments (StanCOG) pursuant to Section 99401.6 of the California Public Utility Codes (PUC) determined that there are no unmet transit needs or that there are no unmet transit needs that are reasonable to meet, and

WHEREAS, StanCOG has informed the Finance Department that LTF funding has been apportioned by the State to StanCOG for allocation to transportation public agencies pursuant to Sections 99233.3 and 99234 of the California PUC, and

WHEREAS, the City has developed an application for fiscal year 2003 LTF reimbursement pursuant to Section 99233.3 of the California PUC, and

WHEREAS, the City’s transit LTF claim for fiscal year 2003 is $3,781,059, and

WHEREAS, the total transit and capital budget is $10,064,046, and

WHEREAS, Council action authorizing the claim is required by StanCOG pursuant to Section 99261 of the California PUC before any LTF funding can be released to the City.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the annual LTF transit claim in the amount of $3,781,059, and

BE IT FURTHER RESOLVED that the City Manager, or his authorized designee, is hereby authorized to execute and submit the transit claim for apportionment of LTF funds to StanCOG for Fiscal Year 2003.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of May, 2002, by Council member Fisher, who moved its adoption, which motion being duly seconded by Council member Frohman, was upon roll call carried and the resolution adopted by the following vote:

Ayes. Council members: Conrad, Fisher, Frohman, Jackman, Keating, O’Bryant, Mayor Sabatino

Noes: Council members: None

Absent: Council members: None

Attest: Jean Zahr

Michael D. Milich, City Attorney
A RESOLUTION APPROVING REIMBURSEMENT OF $143,065.26 TO BIG VALLEY GRACE CHURCH FOR IMPROVEMENTS INSTALLED IN COMMUNITY FACILITIES DISTRICT NO. 1998-2 (CARVER-BANGS/PELANDALE-SNYDER)

WHEREAS, the Community Facilities District Administrator of the City is required to deny reimbursement for facilities provided by developers which are otherwise CFD reimbursable in circumstances where the developer does not enter into a written agreement with the Community Facilities District Administrator prior to construction of the otherwise reimbursable facilities, and

WHEREAS, Big Valley Grace Church did provide certain CFD reimbursable facilities, in the amount of $143,065.26, in the Carver-Bangs/Pelandale-Snyder Community Facilities District No. 1998-2 without first entering into a written agreement with the Community Facilities District Administrator, and

WHEREAS, Big Valley Grace Church did not have actual knowledge of the legal requirement that it procure a written agreement, in the nature of a public works contract, and that it receive a Notice To Proceed from the District Administrator prior to commencement of construction of the subject facilities, and

WHEREAS, it is the view of the City Council that Big Valley Grace Church should be reimbursed, in full, for the facilities it installed absent a written agreement or a Notice To Proceed.
NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto determines that the District Administrator’s determination, in accordance with law, that Big Valley Grace Church should receive nothing for the facilities provided by it in the Carver-Bangs/Pelandale-Snyder Community Facilities District Administrator is hereby overruled, and Big Valley Grace Church shall be awarded $143,065.26, the amount of reimbursement to which it would have been entitled had it entered into a written agreement with the Community Facilities District Administrator.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of May, 2002, by Councilmember Fisher, 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
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2002-269

A RESOLUTION APPROVING REIMBURSEMENT OF $16,662.60 TO CALVARY CHAPEL FOR IMPROVEMENTS INSTALLED IN COMMUNITY FACILITIES DISTRICT NO. 1998-2 (CARVER-BANGS/PELANDALE-Snyder)

WHEREAS, the Community Facilities District Administrator of the City is required to deny reimbursement for facilities provided by developers which are otherwise CFD reimbursable in circumstances where the developer does not enter into a written agreement with the Community Facilities District Administrator prior to construction of the otherwise reimbursable facilities, and

WHEREAS, Calvary Chapel did provide certain CFD reimbursable facilities, in the amount of $16,662.60, in the Carver-Bangs/Pelandale-Snyder Community Facilities District No. 1998-2 without first entering into a written agreement with the Community Facilities District Administrator, and

WHEREAS, Calvary Chapel did have actual knowledge of the legal requirement that it procure a written agreement, in the nature of a public works contract, and that it receive a Notice To Proceed from the District Administrator prior to commencement of construction of the subject facilities, and

WHEREAS, it is the view of the City Council that Calvary Chapel should be reimbursed, in full, for the facilities it installed absent a written agreement or a Notice To Proceed.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto determines that the District Administrator’s determination, in accordance with law, that Calvary Chapel should receive nothing for the facilities provided by it in the Carver-Bangs/Pelandale-Snyder Community Facilities District Administrator is hereby
overruled, and Calvary Chapel shall be awarded $16,662.60, the amount of reimbursement to which it would have been entitled had it entered into a written agreement with the Community Facilities District Administrator.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of May, 2002, by Councilmember Fisher, 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 AUTHORIZING THE APPOINTMENT OF COUNCILMEMBER DENNY JACKMAN TO THE CITIZENS ADVISORY COMMITTEE ON RECYCLING

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that Councilmember DENNY JACKMAN is hereby appointed as the City Council representative to the Citizens Advisory Committee on Recycling.

RESCINDED

THIS RESOLUTION WAS RESCINDED BY MODESTO CITY COUNCIL RESOLUTION NO. 2002-307

6-11-02

05/28/02/CMO/K Espinoza
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of May, 2002, 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, Fisher, Frohman, Jackman, Keating, O’Bryant, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: [Signature]

JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: [Signature]

MICHAEL D. MILICH, City Attorney
A RESOLUTION AUTHORIZING THE APPOINTMENT OF COUNCILMEMBER TIM FISHER TO THE HOUSING REHABILITATION LOAN COMMITTEE

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that Council member TIM FISHER is hereby appointed as the City Council representative to the Housing Rehabilitation Loan Committee.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of May, 2002, 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, Fisher, Frohman, Jackman, Keating, O’Bryant, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: Jean Ahr
JEAN AHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich, City Attorney
A RESOLUTION AUTHORIZING THE APPOINTMENT OF MAYOR CARMEN SABATINO AND COUNCILMEMBER WILL O'BRYANT TO THE CITIZENS HOUSING AND COMMUNITY DEVELOPMENT COMMITTEE

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that Mayor CARMEN SABATINO and Councilmember WILL O'BRYANT are hereby appointed as the City Council representatives to the Citizens Housing and Community Development Committee.
The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 28th day of May, 2002, 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, Fisher, Frohman, Jackman, Keating,
O'Bryant, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2002-273

A RESOLUTION AUTHORIZING THE APPOINTMENT OF COUNCILMEMBER BILL CONRAD TO THE CITIES-COUNTY COMMITTEE

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that Councilmember BILL CONRAD is hereby appointed as the City Council representative to the Cities-County Committee.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of May, 2002, 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, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: Jean Zahr
JEAN ZAHN, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2002-274

A RESOLUTION AUTHORIZING THE APPOINTMENT OF COUNCILMEMBER WILL O'BRYANT, COUNCILMEMBER BILL CONRAD, COUNCILMEMBER TIM FISHER, CITY MANAGER JACK CRIST AND CITY ATTORNEY MIKE MILICH TO THE CITY/COUNTY LIAISON COMMITTEE

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that Councilmember WILL O'BRYANT, Councilmember BILL CONRAD, Councilmember TIM FISHER, City Manager JACK CRIST and City Attorney MIKE MILICH are hereby appointed as the City Council representatives to the City/County Liaison Committee.
The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 28th day of May, 2002, 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, Fisher, Frohman, Jackman, Keating,
O'Bryant, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich, City Attorney
A RESOLUTION AUTHORIZING THE APPOINTMENT OF COUNCILMEMBER BRUCE FROHMAN AND COUNCILMEMBER TIM FISHER TO THE CITY/MID ECONOMIC DEVELOPMENT COORDINATING COMMITTEE

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that Councilmember BRUCE FROHMAN and Councilmember TIM FISHER are hereby appointed as the City Council representatives to the City/MID Economic Development Coordinating Committee.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of May, 2002, 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, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: Jean Zahra, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich, City Attorney
A RESOLUTION AUTHORIZING THE APPOINTMENT OF MAYOR CARMEN SABATINO AND COUNCILMEMBER BILL CONRAD AS ALTERNATE TO THE ECONOMIC DEVELOPMENT LOAN COMMITTEE

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that Mayor CARMEN SABATINO and Councilmember BILL CONRAD as alternate are hereby appointed as the City Council representatives to the Economic Development Loan Committee.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of May, 2002, 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, 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 AUTHORIZING THE APPOINTMENT OF COUNCILMEMBER WILL O'BRYANT AND COUNCILMEMBER BRUCE FROHMAN AS ALTERNATE TO THE ECONOMIC DEVELOPMENT ACTION COMMITTEE

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that Councilmember WILL O'BRYANT and Councilmember BRUCE FROHMAN as alternate are hereby appointed as the City Council representatives to the Economic Development Action Committee.
The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 28th day of May, 2002, 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, 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
MODESTO CITY COUNCIL
RESOLUTION NO. 2002-278

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

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that Councilmember DENNY JACKMAN and Councilmember WILL O’BRYANT and JOCELYN REED as alternates are hereby appointed the City Council representatives to the Integrated Waste Management Local Task Force Committee.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of May, 2002, 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, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Approved as to form:

Attest: Jean Zahl, City Clerk

By: Michael D. Milich, City Attorney
A RESOLUTION AUTHORIZING THE APPOINTMENT OF COUNCILMEMBER DENNY JACKMAN TO THE INTER-REGIONAL PARTNERSHIP BOARD

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that Councilmember DENNY JACKMAN is hereby appointed as the City Council representative to the Inter-Regional Partnership Board.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of May, 2002, 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, 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
MODESTO CITY COUNCIL
RESOLUTION NO. 2002-280

A RESOLUTION AUTHORIZING THE APPOINTMENT OF
COUNCILMEMBER BILL CONRAD TO THE LEAGUE OF CALIFORNIA
CITIES – CENTRAL VALLEY DIVISION EXECUTIVE COMMITTEE

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that
Councilmember BILL CONRAD is hereby appointed as the City Council representative to the
League of California Cities Central Valley Division Executive Committee.
The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 28th day of May, 2002, 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, Fisher, Frohman, Jackman, Keating,
O'Bryant, Mayor Sabatino

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: None

Attest: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich, City Attorney
A RESOLUTION AUTHORIZING THE APPOINTMENT OF MAYOR CARMEN SABATINO, COUNCILMEMBER TIM FISHER, COUNCILMEMBER JANICE KEATING AND COUNCILMEMBER DENNY JACKMAN TO THE MID DOMESTIC WATER POLICY BOARD

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that Mayor CARMEN SABATINO, Councilmember TIM FISHER, Councilmember JANICE KEATING, and Councilmember DENNY JACKMAN are hereby appointed as the City Council representatives to the MID Domestic Water Policy Board.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of May, 2002, 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, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino

NOES:  Councilmembers:  None

ABSENT:  Councilmembers:  None

Attest:  
JEAN ZAHN, City Clerk

APPROVED AS TO FORM:

By:  
MICHAEL D. MILICH, City Attorney
A RESOLUTION AUTHORIZING THE APPOINTMENT OF COUNCILMEMBER WILL O'BRYANT TO THE SCEDCO BOARD

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that Councilmember WILL O'BRYANT is hereby appointed as the City Council representative to the SCEDCO Board.
The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 28th day of May, 2002, 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, Fisher, Frohman, Jackman, Keating,
O'Bryant, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich
MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2002-283

A RESOLUTION AUTHORIZING THE APPOINTMENT OF COUNCILMEMBER TIM FISHER, COUNCILMEMBER BRUCE FROHMAN, MAYOR CARMEN SABATINO AND COUNCILMEMBER DENNY JACKMAN AS ALTERNATE TO THE STANCOG POLICY BOARD

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that Councilmember TIM FISHER, Councilmember BRUCE FROHMAN, MAYOR CARMEN SABATINO, and Councilmember DENNY JACKMAN as alternate are hereby appointed as the City Council representatives to the StanCOG Policy Board.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of May, 2002, 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, Fisher, Frohman, Jackman, Keating, O’Bryant, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

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

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that Councilmember JANICE KEATING is hereby appointed as the City Council representative to the Stanislaus County Water Coordinating Advisory Committee.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of May, 2002, 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, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich, City Attorney
A RESOLUTION AUTHORIZING THE APPOINTMENT OF MAYOR CARMEN SABATINO AND COUNCILMEMBER TIM FISHER AS ALTERNATE TO THE TID JOINT POWERS AUTHORITY

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

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

WHEREAS, the TID Joint Powers Authority includes one member of the Modesto City Council to act in an advisory capacity to staff in carrying out the provisions of the agreements and also act in an advisory capacity to the legislative bodies of the parties of these agreements, and

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

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that Mayor CARMEN SABATINO and Councilmember TIM FISHER are appointed as the City Council representative to the TID Joint Powers Authority.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of May, 2002, 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, Fisher, Frohman, Jackman, Keating, O’Bryant, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich
MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2002-286

A RESOLUTION ACCEPTING THE BID OF D. A. WOOD CONSTRUCTION FOR THE PROJECT TITLED "OAKBROOK APARTMENT LIFT STATION"

WHEREAS, the bids received for Oakbrook Apartment Lift Station were opened at 11:00 a.m. on May 14, 2002, 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 $85,886.74 received from D. A. Wood Construction be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of D. A. Wood Construction be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of June, 2002, 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, Jackman, Keating, O'Bryant, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JEAN ZAHN, City Clerk

APPROVED AS TO FORM:
By MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2002-287

A RESOLUTION AMENDING THE 2001-2002 CAPITAL IMPROVEMENT BUDGET BY $52,000 TO FULLY FUND THE OAKBROOK APARTMENT LIFT STATION PROJECT

WHEREAS, the bids received for the Oakbrook Apartment Lift Station project were opened at 11:00 a.m. on May 14, 2002, and

WHEREAS, the low bid for the project was for $85,886.74, which exceeds the amount previously budgeted for this project, and

WHEREAS, the City desires to fully fund this project, and funds are available in the Wastewater Reserve Fund 6210-800-8000-8003.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the following budget expense accounts shall be increased by the following:

EXPENSES:
6210-480-M276-6040; $33,105.00
6210-480-M276-6050; $8,589.00
6210-480-M276-6060; $10,306.00

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of June, 2002, 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, 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 REJECTING THE BID FOR THE PROJECT TITLED “BOWEN AVENUE ROUNDABOUTS”

WHEREAS, the bids received for Bowen Avenue Roundabouts were opened at 11:00 a.m. on April 23, 2002, and

WHEREAS, during the bid evaluation process, staff determined that the sole bid unreasonably exceeds the Engineer’s estimate; therefore, staff recommends the bid be rejected and the specifications be revised and re-solicitation for this service be conducted at a later date,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bids received for Bowen Avenue Roundabouts, opened in the office of the City Clerk on April 23, 2002, are hereby rejected.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of June, 2002, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: 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 GRANTING APPROVAL FOR THE INTERNATIONAL FESTIVAL COMMITTEE TO CONDUCT AN INTERNATIONAL FESTIVAL IN THE CITY OF MODESTO, SUBJECT TO CERTAIN CONDITIONS.

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 Human Services Committee met on May 1, 2002, 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 following changes, 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 allow the Committee the use of amplified instrumentation at
the event during designated event times at a volume not to disturb the
adjoining neighborhoods.

7. 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.

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

9. 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.

10. The City shall provide 60 garbage cans, liners and litter removal from the
park site during the event. Cans will be delivered on Friday, prior to the
event and removed after the event on Monday.
11. The Committee shall be responsible for removing any and all trash, garbage or refuse left on private property.

12. The City shall provide the cost of mailing up to 800 pieces of information, not to exceed $300.00.

13. 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.

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

15. The City shall waive all 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.

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

17. 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.

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

19. 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.

20. The City shall close Stoddard Avenue between Park and Enslen Avenues during the festival.

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

22. 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 Resolution No. 99-424 adopted August 24, 1999, is hereby rescinded.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th of June, 2002, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: 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

06/04/02 PR&N/C Elms 5 2002-289
MODESTO CITY COUNCIL
RESOLUTION NO. 2002-290

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MODESTO
APPROVING A PARKING AGREEMENT BY AND BETWEEN THE CITY OF
MODESTO ("CITY"), THE REDEVELOPMENT AGENCY OF THE CITY OF
MODESTO ("RDA") AND BRADLEY L. HAWN, NANCY HAWN, JACK P.
DELIDDO, AND CARLA DELIDDO (“LICENSEES”) AND AUTHORIZING
THE CITY MANAGER TO EXECUTE SAID AGREEMENT.

WHEREAS, in 1987, the City entered into a lease with Licensees to lease the
underground floor of a two-story parking area located at the southwest corner of 11th and
K Streets. The purpose of said lease was to provide parking for Licensee’s building
across 11th Street (now the "Pacific Center"), and

WHEREAS, the City entered into said five-year lease with a five-year option and
Licensees paid rent for thirty-three (33) spaces in said underground lot, and

WHEREAS, in July 1997 Tenth Street Place was under construction and the
parking area at 11th and K Streets, which was the subject of said parking lease, needed to
be demolished to make way for the new parking garage, and

WHEREAS, Licensee’s parking lease was terminated as part of the Tenth Street
Place project and City agreed to allow Licensee’s tenants to relocate their parking spaces
in the Modesto Centre Plaza at-grade parking lot at the corner of 11th and K Streets
during the construction period, and

WHEREAS, other than relocating the parking spaces, all terms, conditions and
payments remained in effect from the 1987 agreement, and

WHEREAS, Licensees have re-evaluated their needs for tenant parking and have
requested a Parking License Agreement for a total of fifty-five (55) parking spaces in
proximity to Licensee’s building which is attached hereto as "EXHIBIT A" and made a
part hereof by this reference, and

WHEREAS, CITY and RDA have reviewed the previous agreements and the
intent of said agreements as they relate to the current parking needs of both Owners and
the other users of Tenth Street Place, and
WHEREAS, CITY and RDA have determined that said Parking License Agreement for thirty-three (33) spaces in the Tenth Street Place garage and for twenty-two (22) spaces in the Eleventh Street Garage would provide adequate spaces for Licensee's tenants and would continue to allow a reasonable inventory of parking spaces for all other users of Tenth Street Place, and

WHEREAS, said Parking License Agreement was reviewed by the Council's Community Development and Housing Committee on May 13, 2002, which Committee recommended the approval of said Agreement to the Council.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby approves said Parking License Agreement by and between the City of Modesto, the Redevelopment Agency of the City of Modesto and Bradley L. Hawn, Nancy Hawn, Jack P. Deliddo, and Carla Deliddo.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the City Manager is hereby authorized to execute all documents required to complete said Parking License Agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto, held on the 4th day of June, 2002, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: 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
PARKING LICENSE AGREEMENT

This License Agreement, made and entered into in the City of Modesto, County of Stanislaus, State of California, as of this _____ day of ________________, 2002, by and between the CITY OF MODESTO, a municipal corporation of the State of California hereinafter called “CITY” and the REDEVELOPMENT AGENCY OF THE CITY OF MODESTO, a public body, corporate and politic, hereinafter called “RDA”, and BRADLEY L. HAWN, NANCY HAWN, JACK P. DELIDDO, and CARLA DELIDDO, owners of Pacific Center, hereinafter called “LICENSEES”.

THE PARTIES HERETO AGREE AS FOLLOWS:

1. LICENSEES. The RDA shall provide LICENSEES with thirty-three (33) monthly parking passes (or equivalent) (hereinafter called “Tenth Street spaces”) for use by LICENSEES’ office tenants from the Pacific Center, which is located at 1012 11th Street, in the Tenth Street Place parking garage. In addition, the CITY shall provide LICENSEES with twenty-two (22) monthly parking passes (or equivalent) (hereinafter called “Eleventh Street spaces”) for use by LICENSEES’ office tenants from the Pacific Center, which is located at 1012 11th Street, in the Eleventh Street Place parking garage. Said passes shall be provided on the same basis as the City of Modesto’s regular parking pass program, which neither guarantees nor reserves parking spaces. The RDA and the CITY shall initially provide the passes for use at the Tenth Street and Eleventh Street parking garages. However, the RDA and the CITY reserve the right, subject to ninety (90) calendar days advance written notice to LICENSEES, and subject to the mutual agreement of the parties, to relocate these spaces to another location within blocks 66, 68, 84, 86, 91, 92 or 93. In the event that the parking is provided on one of these adjacent blocks instead of the said parking garages, LICENSEES shall be entitled to a reduction in the parking payments made to the RDA and/or the CITY. The extent of the reduction shall be as negotiated between the RDA and/or the CITY and LICENSEES.
The RDA, CITY and LICENSEES recognize that from time to time, in order to accommodate the parking needs of special events, it may be necessary to temporarily move monthly pass parking from said garages to another location downtown. LICENSEES agree to such temporary moves provided they apply equally to all other licensees and leasees within said garages.

No leasehold, or other interest in RDA’s real property of any type, is intended to be created by this Agreement, which the parties intend only to create bare license to use RDA’s property as herein described.

2. TERM. LICENSEES shall be entitled to the use of the spaces for a five (5) year term commencing on __________, 2002, and ending on __________, 2007.

LICENSEES shall have the option to extend the term of this License for one (1) additional five (5) year term upon the same terms and conditions as set forth in this License and two (2) additional five (5) year terms on terms to be mutually agreed upon between the parties. LICENSEES must give RDA and/or CITY ninety (90) days written notice of their intent to exercise their option. The last two (2) additional five (5) year terms will be conditioned on the availability of parking at the time the options are exercised.

3. LICENSE FEE.

a. Rental for the use of the spaces shall be in the amounts hereinafter set forth payable each month in advance commencing on __________, 2002, payable in lawful money of the United States to the City of Modesto’s Director of Finance, P. O. Box 642, Modesto, CA 95353.

b. The monthly rental for the Tenth Street Parking Structure shall be based upon the monthly rental in effect for one parking space (“Single Space Rent”) as it may be adjusted from time to time by the City Council in RDA’s multi-level parking facility located in the Tenth Street Parking Structure multiplied by thirty-three (33)

c. The monthly rental for the Eleventh Street Parking Structure shall be based upon the monthly rental in effect for one parking space (“Single Space Rent”) as it may be
adjusted from time to time by the City Council in CITY's multi-level parking facility located in the Eleventh Street Parking Structure multiplied by twenty-two (22).

4. **TAXES.** LICENSEES recognize and understand that this License Agreement may create a possessory interest subject to property taxation and that LICENSEES may be subject to the payment of property taxes on such interest. LICENSEES further agree to pay, without the right to deduct from rental fees provided herein, any and all property taxes, if any, assessed during the term of this License Agreement against LICENSEES' possessory interest in the licensed premises.

5. **ASSIGNMENT BY LICENSEES.** LICENSEES shall not assign this License Agreement nor any right hereunder, nor any part thereof, whether through direct assignment, merger, sale of stock or business assets, or otherwise, without the prior written consent of RDA's Executive Director and/or CITY's City Manager first had and obtained, and a consent to one assignment, shall not be deemed to be a consent to any subsequent assignment. Any such assignment, without such consent shall be void, and shall at the option of RDA's Executive Director and/or CITY's City Manager, terminate this License Agreement. This License Agreement shall not, nor shall any interest therein, be assignable, as to the interest of LICENSEES by operation of law, without the prior written consent of RDA and/or the CITY.

6. **INDEMNIFICATION.** LICENSEES shall hold RDA, the City of Modesto, their agents, officers, employees, and volunteers, harmless from and save, defend and indemnify them against any and all claims, losses, liabilities and damages from every cause, including but not limited to injury to person or property or wrongful death, with the indemnity to include reasonable attorney's fees, and all costs and expenses, arising directly or indirectly out of any act or omission of LICENSEES, whether or not the act or omission arises from the sole negligence or other liability of RDA, the City of Modesto, their agents, officers, employees, and volunteers; relating to or during the performance of their obligations under this License Agreement.

7. **LIABILITY INSURANCE.** LICENSEES shall provide at their own expense and maintain at all times the following insurance with insurance companies licensed in the State of
California and shall provide evidence of such insurance to RDA and CITY as may be required by
the Risk Manager of the City of Modesto. The policies or certificates thereof shall provide that,
three (30) days prior to cancellation or material change in the policy, notices of same shall be
given to the Risk Manager of the City of Modesto by registered mail, return receipt requested, for
all of the following stated insurance policies.

General Liability insurance with a minimum limit of liability per occurrence of
$1,000,000 for bodily injury and $100,000 for property damage or $1,000,000 combined single
limit. This insurance shall indicate on the Certificate of Insurance the following coverages and
indicate the policy aggregate limit applying to: premises and operations; broad form contractual;
independent contractors and subcontractors; products and completed operations; and/or
professional liability.

If at any time any of said policies shall be unsatisfactory to the Risk Manager of the
City of Modesto, as to form or substance or if a company issuing such policy shall be
unsatisfactory to the Risk Manager of the City of Modesto, LICENSEES shall promptly obtain a
new policy, submit the same to the Risk Manager of the City of Modesto for approval and submit
a certificate thereof as hereinabove provided. Upon failure of LICENSEES to furnish, deliver or
maintain such insurance and certificates as above provided, this License Agreement, at the
election of RDA, may be forthwith declared suspended, or terminated. Failure of LICENSEES to
obtain and/or maintain any required insurance shall not relieve LICENSEES from any liability
under this Licenses Agreement, nor shall the insurance requirements be construed to conflict with
or otherwise limit the obligations of LICENSEES concerning indemnification. The RDA and the
City of Modesto, their agents, officers, employees, and volunteers shall be named as an additional
insured on all insurance policies required herein, except Workers' Compensation. The Workers'
Compensation insurer shall agree to waive all rights of subrogation against RDA, the City of
Modesto, their agents, officers, employees, and volunteers for losses arising from work performed
by LICENSEES for RDA. LICENSEES' insurance policy(ies) shall include a provision that the
coverage is primary as respects the RDA and the City of Modesto; shall include no special
limitations to coverage provided to additional insured; and, shall be placed with insurer(s) with acceptable Best's rating of A:VII or with approval of the Risk Manager of the City of Modesto.

8. **NATURE OF LICENSE; TERMINATION BY RDA PRIOR TO EXPIRATION.**

The license granted under this License Agreement is irrevocable for the term or any extension of this Agreement. The RDA’s Executive Director and/or the CITY’s City Manager shall have the right to immediately terminate this License Agreement, in whole or in part, solely on the occurrence of any of the following events:

a. Filing by or the final adjudication of LICENSEES of any petition in bankruptcy or the making of any transfer of general assignment for the benefit of creditors which has not been previously authorized by the RDA and/or the CITY.

b. The failure of LICENSEES to perform substantially or keep or observe any of the terms, covenants, and conditions which they are obligated to perform, keep or observe under this License Agreement after the expiration of a ninety (90) day period of a written warning or ultimatum given by RDA’s Executive Director or CITY’s City Manager to LICENSEES to correct any such deficiency or default.

c. Except for assignments as provided in this Agreement, the discontinuance by LICENSEES of their business operations as the owner and lessor of Pacific Center. Should this occur, the RDA or the CITY shall not be responsible for the custodial protection of merchandise, fixtures, or equipment abandoned, even though it is necessary for the RDA or the CITY to remove same from the garage structure for storage or disposal.

9. **NOTICES:** Any notice to or other communication to RDA, CITY or LICENSEES pursuant hereto shall be deemed validly given, served, or delivered upon deposit in the United States mail, registered and with proper postage and registration fee prepaid, addressed as follows:

To CITY:  
City Manager  
City of Modesto  
P. O. Box 642  
Modesto, CA  95353
To RDA:
Executive Director
Redevelopment Agency of the City of Modesto
P. O. Box 642
Modesto, CA 95353

To LICENSEES:
Pacific Center
Attn: Brad Hawn
1012 11th Street, Suite 1000
Modesto, CA 95354

or to such other address as RDA, CITY or LICENSEES may designate by written notice to the
other party delivered in accordance with the provisions of this paragraph.

10. COMPLIANCE WITH LAWS. LICENSEES shall not do or suffer to be done on
or about the garage structures anything that would or does violate or conflict with any applicable
law, ordinance, rule or regulation which is now in force or effect or which may hereafter be
enacted or adopted by federal, state, county or municipal authority.

11. EXTINGUISHMENT. LICENSEES agree their license to use the garage
structures is extinguished immediately upon termination of this License Agreement.

12. NONWAIVER. Any waiver of any breach of covenants or conditions herein
contained to be kept and performed by either party shall be effective only if in writing and shall
not be deemed or considered as a continuing waiver and shall not operate to bar or prevent the
other party from declaring a forfeiture or exercising their rights for any succeeding breach of
either the same or other condition or covenant.

13. COPARTNERSHIP DISCLAIMER. It is mutually understood and agreed that
nothing in this License Agreement is intended or shall be construed as in any way creating or
establishing the relationship of copartners between the parties hereto, or as constituting
LICENSEES as agents or representatives of the RDA or the City of Modesto for any purpose or
in any manner whatsoever.

14. ATTORNEY'S FEES. In the event that either party hereto shall commence any
legal action or proceeding against the other by reason of the alleged failure of the other to
perform any term, covenant, or condition of this License Agreement by them to be performed or
kept, the party prevailing in said action or proceeding shall be entitled to recover a reasonable attorney's fee to be fixed by the court, and such recovery shall include court costs and attorney's fee on appeal if any. As used herein, "the party prevailing" means the party in whose favor final judgment is rendered, and "legal action or proceeding" shall include arbitration.

15. **TIME OF ESSENCE, BINDING UPON HEIRS, ETC.** Time is of the essence of each and all the terms and provisions of this License Agreement and the terms and provisions of this License Agreement shall extend to and be binding upon and inure to the benefit of the heirs, executors, administrators, successors and assigns of the respective parties hereto.

16. **NUMBER AND GENDER.** All words used herein in the singular number shall include the plural and the present tense shall include the future and the masculine gender shall include the feminine and neuter.

17. **ENTIRE AGREEMENT.** This License Agreement contains the sole and only agreement of the parties. Any prior agreements, promises, negotiations or representations not expressly set forth in this License Agreement are of no force or effect.

18. **LANGUAGE CONSTRUCTION.** The language of each and all paragraphs, terms, and/or provisions of this License Agreement shall, in all cases and for any and all purposes, and any and all circumstances whatsoever, be construed as a whole, according to its fair meaning, and not for or against any party hereto and with no regard whatsoever to the identity or status of any person or persons who drafted all or any portion of this Agreement.

19. **GOVERNING LAW.** This License Agreement is entered into and shall be construed and interpreted in accordance with the laws of the State of California.

20. **VENUE.** Venue for any action brought by either party to this License Agreement against the other to enforce the terms and conditions thereof shall be maintained in Stanislaus County, California, in the proper court having jurisdiction.

21. **INVALID TERMS.** If any terms, provision, covenant, or condition of this License Agreement is held by a court of competent jurisdiction to be invalid, void, or unenforceable, the
rest of this License Agreement shall remain in full force and effect, and shall in no way be affected, impaired, or invalidated.

22. **AMENDMENT.** This License Agreement, including any exhibits hereto, shall not be amended, except in writing signed by the parties. Any amendment or addendum to this License Agreement shall expressly refer to this License Agreement.

23. **EXERCISE OF DISCRETION.** Where the terms of this License Agreement require approval, consent, written consent, or the exercise of discretion by LICENSEES or by the RDA or the City of Modesto or their agents, employees, or officers, discretion shall not be exercised in an unreasonable, arbitrary, or capricious manner, and shall not be unreasonably withheld.

///
IN WITNESS WHEREOF, the City of Modesto and the Redevelopment Agency of the City of Modesto have authorized the execution of this License Agreement in duplicate by its City Manager and Executive Director, respectively and attestation by its Clerk and Secretary, respectively under authority of Resolution No. __________, adopted by the Redevelopment Agency of the City of Modesto on the ______ day of ________________, 2002, and under authority of Resolution No. __________, adopted by the City Council of the City of Modesto on the ______ day of ________________, 2002 and LICENSEES have caused this License Agreement to be executed.

"CITY" and "RDA"

CITY OF MODESTO and
REDEVELOPMENT AGENCY OF THE
CITY OF MODESTO

By _________________________
Jack C. Crist
City Manager/Executive Director

ATTEST:

By _________________________
JEAN ZAHR
City Clerk/Secretary

APPROVED AS TO FORM:

By _________________________
MICHAEL D. MILICH
City Attorney/General Counsel

SEAL

APPROVED AS TO FORM:

By _________________________
DONALD NORRIS
Risk Manager
MODESTO CITY COUNCIL
RESOLUTION NO. 2002-291

A RESOLUTION AUTHORIZING THE PURCHASING SUPERVISOR TO FORMALY SOLICIT REQUEST FOR BIDS FOR WATER QUALITY TESTING SERVICES

WHEREAS, the Operations and Maintenance Department-Water Quality Control (WQC) has requested the purchase of water quality testing services for FY 2002/2003 with the option of two (2) additional, one-year extensions, and

WHEREAS, the City of Modesto's drinking water system is the largest domestic water system in the area with over 70,000 active water services, and

WHEREAS, during the calendar year 2001, the City of Modesto performed over 30,000 water samplings to ensure safe drinking water for the City's approximately 216,000 customers, and

WHEREAS, the City of Modesto is committed to providing safe drinking water to all of its customers, and

WHEREAS, the size and complexity of the City's water system places the City under the strictest Federal and State regulations for water testing, and

WHEREAS, the City is beginning a new nine (9) year testing cycle mandated by the State Department of Health Services that entails performing a complete testing cycle on the entire water system, and

WHEREAS, the Federal Environmental Protection Agency (EPA) is now requiring a different set of Unregulated Chemical Monitoring which fall under strict protocols for testing methods including the need for special laboratory certification and reporting requirements, and

WHEREAS, some of the general testing requirements can be performed in house at the City's Water Quality Control Laboratory, and

WHEREAS, all other testing will be assigned to various commercial laboratories based on special laboratory certifications and fields of expertise, and

WHEREAS, by soliciting competitive bids for water quality testing services, the Finance Department – Purchasing Division will comply with the Modesto Municipal Code, Section 8-3. 204, regarding formal bid procedures,
NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto that formal solicitation of bids for water quality testing services is hereby approved as follows:

SECTION 1. The City Clerk is hereby authorized to call for public competitive sealed bids for water quality testing services to be opened in the office of the City Clerk, 1010th Street, in the City of Modesto. The City Clerk shall be directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of June, 2002 by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Conrad, 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
MODESTO CITY COUNCIL
RESOLUTION NO. 2002-292

A RESOLUTION AWARDING THE BID FOR ONE GRAVITY BELT
THICKENER (GBT) TO ROEDIGER PITTSBURG INC. OF ALLISON PARK,
PENNSYLVANIA IN THE AMOUNT OF $132,984.55

WHEREAS, the Operations and Maintenance Department is responsible for
maintaining equipment for processing summer cannery waste flows into the Primary
Wastewater Treatment plant, and

WHEREAS, the Operations and Maintenance Department has requested the
purchase of a new Gravity Belt Thickener (GBT), and

WHEREAS, a gravity belt thickener (GBT) is a piece of equipment used to
thicken raw primary sludge from the Water Quality Control’s primary clarifiers, and

WHEREAS, out of seventeen (17) suppliers solicited, four (4) vendors responded
to the request for Proposal (RFP), and

WHEREAS, based on evaluation criteria, Roediger Pittsburg Inc. of Allison Park,
Pennsylvania was determined to be the lowest responsible bidder, with a bid amount of
$132,984.55,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that it hereby awards the bid for one gravity belt thickener to Roediger Pittsburg Inc. of
Allison Park, Pennsylvania for $132,984.55.

BE IT FURTHER RESOLVED that the Purchasing Supervisor is hereby
authorized to issue a purchase order to Roedgier Pittsburg Inc. of Allison Park,
Pennsylvania in the amount of $132,984.55 for the purchase of a gravity belt thickener.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of June, 2002, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Conrad, 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
MODESTO CITY COUNCIL
RESOLUTION NO. 2002-293

A RESOLUTION ACCEPTING IMPROVEMENTS IN SIENA PHASE 1
SUBDIVISION, IN THE VILLAGE ONE SPECIFIC PLAN AREA, AND
AUTHORIZING RELEASE OF LETTERS OF CREDIT

WHEREAS, Sequoia Properties, a California Limited Partnership by Lily
Development, Inc., a California Corporation Its General Partner, subdividers of Siena
Phase 1 subdivision, have filed irrevocable letters of credit to secure faithful performance
and payment for labor and materials in the amount of $1,872,589 and $936,294,
respectively, and,

WHEREAS, Sequoia Properties, has filed a warranty letter of credit in the amount
of $187,259 to guarantee improvements in Siena Phase 1 subdivision, and,

WHEREAS, the Engineering & Transportation Director, in a memorandum to
Council, indicates that all work required by the Subdivision Agreement has been
completed, to the satisfaction of the Engineering & Transportation Department, and,

WHEREAS, the Engineering & Transportation Director has indicated that it
would be in order for the City Council to accept the improvements in said subdivision as
complete, and authorize the City Clerk to file notice of completion and release the letters
of credit upon expiration of the statutory periods,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto:
1. The improvements in Siena Phase 1 Subdivision are hereby accepted.

2. The City Clerk is hereby authorized to release the irrevocable letter of credit for faithful performance in the amount of $1,872,589 upon recordation of the notice of completion.

3. The City Clerk is hereby authorized to release the irrevocable letter of credit for labor and materials in the amount of $936,294 sixty (60) days following the effective date of this resolution, provided no claim is made thereon.

4. The City Clerk is hereby authorized to release the warranty letter of credit to guarantee improvements in the amount of $187,259 one year and one day following the effective date of this resolution, provided no claim is made thereon.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of June, 2002, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Conrad, 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
JEAN ZAHR, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2002-293

A RESOLUTION ACCEPTING IMPROVEMENTS IN SIENA PHASE 1 SUBDIVISION, IN THE VILLAGE ONE SPECIFIC PLAN AREA, AND AUTHORIZING RELEASE OF BONDS

WHEREAS, Sequoia Properties, a California Limited Partnership by Lily Development, Inc., a California Corporation its General Partner, subdividers of Siena Phase 1 subdivision, have filed irrevocable subdivision bonds to secure faithful performance and payment for labor and materials in the amount of $1,872,589 and $936,294, respectively, and,

WHEREAS, Inland Village, a General Partnership, has filed a warranty bond in the amount of $187,259 to guarantee improvements in Siena Phase 1 subdivision, and,

WHEREAS, the Engineering & Transportation Director, in a memorandum to Council, indicates that all work required by the Subdivision Agreement has been completed, to the satisfaction of the Engineering & Transportation Department, and,

WHEREAS, the Engineering & Transportation Director has indicated that it would be in order for the City Council to accept the improvements in said subdivision as complete, and authorize the City Clerk to file notice of completion and release the bonds upon expiration of the statutory periods,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto:
1. The improvements in Siena Phase 1 Subdivision are hereby accepted.

2. The City Clerk is hereby authorized to release the subdivision bond for faithful performance in the amount of $1,872,589 upon recordation of the notice of completion.

3. The City Clerk is hereby authorized to release the subdivision bond for labor and materials in the amount of $936,294 sixty (60) days following the effective date of this resolution, provided no claim is made thereon.

4. The City Clerk is hereby authorized to release the warranty bond to guarantee improvements in the amount of $187,259 one year and one day following the effective date of this resolution, provided no claim is made thereon.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of June, 2002, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Conrad, 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
MODESTO CITY COUNCIL
RESOLUTION NO. 2002-294

A RESOLUTION APPROVING THE FINAL MAP OF LAWSON'S TWENTY
SUBDIVISION OF THE CITY OF MODESTO

WHEREAS, FLORSHEIM BROS., a California General Partnership, by
Florsheim Properties, a California Corporation, Partner, is possessed of a tract of land
situated in the City of Modesto, County of Stanislaus, consisting of 19.07 acres, known as
Lawson’s Twenty in the Village One Specific Plan Area (“Subdivision”), and

WHEREAS, a tentative map of said tract was approved by the Planning
Commission of the City of Modesto on the 20th day of August, 2001, and

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

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

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

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of June, 2002, by Councilmember Fisher, 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, Jackman, Keating, O’Bryant, Mayor Sabatino

NOES: Councilmembers: Frohman

ABSENT: Councilmembers: None

ATTEST: 
JEAN ZAHR, City Clerk
A RESOLUTION APPROVING A COOPERATIVE AGREEMENT WITH THE CITY OF CERES FOR THE MORGAN ROAD AND WHITMORE AVENUE ASPHALT OVERLAY PROJECT AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE AGREEMENT.

WHEREAS, Whitmore Avenue between the Union Pacific Railroad Tracks and Morgan Road, between Whitmore Avenue and 1300 feet North, are in need of street maintenance in the form of an asphalt concrete overlay, and

WHEREAS, the City of Modesto and the City of Ceres jurisdiction boundaries are at the centerline of both roadways, and

WHEREAS, the City of Ceres has completed the design and bid a construction project to install an asphalt concrete overlay, and

WHEREAS, the City of Ceres will be the lead agency and provide construction engineering on the project, and

WHEREAS, the City of Ceres has requested the City of Modesto’s financial participation for work completed within its jurisdiction,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the cooperative agreement with the City of Ceres to install an overlay of asphalt concrete on portions of Whitmore Avenue and Morgan Road.

BE IT FURTHER RESOLVED that the City Manager, or his authorized designee, is hereby authorized to execute the agreement.
The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 11th day of June, 2002, by Councilmember Fisher, who
moved its adoption, which motion being duly seconded by Councilmember Conrad, 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
MODESTO CITY COUNCIL
RESOLUTION NO. 2002-296

A RESOLUTION ACCEPTING THE BID OF GRAHAM CONTRACTORS, INC.
FOR THE PROJECT TITLED "2002 SLURRY SEALS"

WHEREAS, the bids received for 2002 Slurry Seals were opened at 11:00 a.m. on May
28, 2002, 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 $977,294.43 received from Graham Contractors, Inc. be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the
bid of Graham Contractors, Inc. be accepted and the execution of a contract for the completion of
the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City
of Modesto held on the 11th day of June, 2002, by Councilmember Keating, who moved its
adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call
carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Frohman, Jackman, Keating,
               Mayor Sabatino
NOES: Councilmembers: None
ABSENT: Councilmembers: O’Bryant

ATTEST: Jean Zahr, City Clerk

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

06/11/02/E&T/D Milam -1- 2002-296
MODESTO CITY COUNCIL
RESOLUTION NO. 2002-297

A RESOLUTION APPROVING AN APPROPRIATION TRANSFER OF $760,000 TO FULLY FUND THE 2002 SLURRY SEALS PROJECT

WHEREAS, the pavement on City streets has become aged and is beginning to deteriorate, and

WHEREAS, the list of streets requiring preventative maintenance for the 2002 Slurry Seals project exceeded the budgeted amount, and

WHEREAS, the execution of the Slurry Seal project requires the Finance director or his designee to make administrative changes in the City’s operations budget,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto authorizes the Finance Director of his designee to make those administrative budget changes necessary to appropriate this project in 0510-410-4137 and to administer the project in Fiscal Years 2001-2002 and 2002-2003. These actions include:

1. Appropriations to this project
   • Utility User Tax funds in 0700-410-4121 ($760,000),
   • New AB2928 Revenue ($283,270), and
   • Project Savings from Phase II of this project ($41,527) found in 0510-80-8000-8003, and

2. Appropriation of Gas Tax Funds ($117,705) presently budgeted to this project to 0700-430-M141, and

3. The carryover of all unexpended and un-encumbered Fiscal Year 2002 on July 2002 to Fiscal Year 2003.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of June, 2002, by Councilmember Keating, 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, Jackman, Keating, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: O’Bryant

ATTEST: 

JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2002-298

A RESOLUTION AUTHORIZING THE CITY ATTORNEY TO SUPPORT
ASSEMBLY BILL NO. 2071 AND TO TAKE APPROPRIATE ACTION
INCIDENTAL TO SUCH SUPPORT

WHEREAS, there is pending in the State Assembly AB No. 2071, a proposal to
add a section to the Health & Safety Code relating to drinking water, and

WHEREAS, existing law does not provide for the City to recover certain of its
costs and attorneys fees when pursuing alleged polluters for contamination of the City’s
drinking water, and

WHEREAS, existing law does not provide a clear statute of limitations, and in
any event, does not provide a statute of limitations as advantageous as the one stated in
AB No. 2071,

NOW, THEREFORE, BE IT RESOLVED BY THE Council of the City of
Modesto that the City Attorney, or designee, is authorized to do all things necessary to
express the support of the City of Modesto as events may require, to insure that the City’s
support for AB No. 2071 is communicated appropriately.
The foregoing resolution was introduced at a regular meeting of the
Council of the City of Modesto held on the 11th day of June, 2002, by Councilmember
Fisher, who moved its adoption, which motion being duly seconded by Councilmember
Conrad, 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 ZAHN, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: [Signature]
    MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2002-299

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MODESTO, CALIFORNIA. APPROVING THE CHANGE OF CONTROL OF THE CABLE FRANCHISE BY REASON OF THE MERGER OF AT&T BROADBAND AND COMCAST

WHEREAS, the cable franchise for the City of Modesto ("City") is currently held by United Cable Television Corporation, a Delaware corporation, a subsidiary of AT&T Broadband LLC, ("United Cable" or "Franchisee"), and

WHEREAS, the City has received an application to approve a change of control and internal restructuring of AT&T Corp. ("AT&T"), the ultimate parent corporation of Franchisee because AT&T’s subsidiary, AT&T Broadband, intends to merge with Comcast Corporation ("Comcast") to create a new company to be known as AT&T Comcast Corporation ("AT&T Comcast") as described in the FCC Form 394 application received by the City on February 27, 2002 pursuant to the terms of the Agreement and Plan of Merger described in the 394 Application, and

WHEREAS, pursuant to the City's cable television franchise ordinance, Chapter 4 of Title XI of the Modesto Municipal Code (the “Franchise Ordinance”), and grant of the franchise, Ordinance No.3223-C.S. (the “Franchise Agreement”), the City's consent is required to transfer control or ownership of the cable franchise, and

WHEREAS, section 11-4.22(I) of the Franchise Ordinance provides that the City may consider the legal, technical, and financial qualifications to own and operate the Cable system and whether the Franchisee is in "substantial compliance with the terms and conditions of the Franchise Agreement and the Franchise Ordinance", and

WHEREAS, the City and Franchisee have existing agreements, including but not limited to the Franchise Agreement, that require the upgrade/rebuild of the cable system within the City within a specific timeframe for completion, the correction of code compliance matters necessary by reason of the status of the cable system when Franchisee acquired the system, and various other matters, all subject to timeframes and deadlines for completion (the "Franchise Documents"), and
WHEREAS, the City and Franchisee have, in a separate agreement, substantially in the form attached hereto as Exhibit B, identified certain concerns regarding compliance with the Franchise Documents and other performance matters, and the Franchisee and City have agreed to resolve such issues in good faith, as set forth in the separate agreement, and

WHEREAS, the City wishes to assure that the proposed merger will not delay or otherwise adversely impact the obligations and commitments made under the Franchise Agreement and that the proposed new parent corporation is aware of, acknowledges and agrees that the change of control will not affect, diminish, supercede impede or adversely affect the binding nature of the existing ordinances, resolutions and obligations of its subsidiary, the Franchisee, and

WHEREAS, the City Council has held a public hearing on the proposed change of control; has reviewed the 394 application, the supplemental materials submitted by AT&T Broadband, the staff report on the proposed merger and other materials submitted during the public hearing.

NOW, THEREFORE, the City Council of the City of Modesto does resolve as follows:

Section 1. Consent to the Change of Control and Internal Restructuring

The City hereby consents to that certain change of control and internal restructuring by which AT&T and Comcast will merge and AT&T Comcast will become the ultimate parent company to Franchisee, as described in the FCC Form 394 application received by the City on February 27, 2002, subject to the terms and conditions set forth below.

Section 2. Terms and Conditions of Consent to the Change of Control

The City's consent to the change of control, described above, is subject to, and conditioned upon, the following terms and conditions, all of which are hereby incorporated in the Franchise Agreement:
A. This consent is limited to the proposed transaction described in the 394 Application submitted by AT&T and AT&T Comcast on February 27, 2002. (Hereinafter, the "transaction" shall refer to the proposed transaction described in above.) After the closing of the proposed transaction, the holder of the franchise shall be United Cable Television Corporation, a Delaware corporation, a subsidiary of AT&T Broadband LLC, marketing services as AT&T Broadband ("Franchisee"). AT&T Broadband, LLC shall be an indirect subsidiary of AT&T Comcast, as described in the 394 application. Any other or further changes of control shall require a separate and new application for City approval or consent if the City's approval or consent is required under the Franchise Ordinance and/or the Franchise Agreement.

B. Within thirty (30) days of the closing of the transaction, Franchisee shall provide to the City certificates of insurance in compliance with the Section 11-4.33 of the Franchise Ordinance or verification that the required insurance and certificates of insurance remain valid and in effect. Nothing in this section relieves that Franchisee from the obligation to maintain the insurance coverage required by the Franchise Documents.

C. Within thirty (30) days of the closing of the transaction, Franchisee shall provide to the City the bonds required by the Franchise Ordinance including the bond required by Section 11-4.20 of the Franchise Ordinance or verification that the required bonds remain valid and in effect. Nothing in this section relieves the Franchisee from the obligation to maintain the bonds required by the Franchise Documents.

D. As provided in the Certificate of Acceptance of the Franchise Renewal Franchisee shall comply with all requirements, obligations, terms and conditions of the Franchise Ordinance and the Franchise Agreement and this Resolution. This merger shall have no adverse effect on Franchisee's compliance, nor shall the merger be grounds for any change or modification in the terms, conditions and obligations of the franchise.
E. AT&T Comcast acknowledges and agrees that the change of control will not affect, diminish, impair or supercede the binding nature of the existing ordinances, resolutions and agreements applicable to operation of the Cable System, including without limitation, the Franchise Documents, including the Certificate of Acceptance of the Franchise Renewal, and that AT&T Comcast will use its best efforts to ensure that the Franchisee complies with its obligations under the Franchise Documents.

F. Nothing in this Resolution or in the City's consent to this change in control shall be construed, in any manner whatsoever, by AT&T Broadband, AT&T Comcast, or any of the subsidiaries of AT&T Comcast, as precluding or impacting the City's ability or authority to address any act(s) of noncompliance by Franchisee or failure(s) to act by Franchisee, pursuant to the terms of the Franchise Agreement and the Franchise Ordinance. In particular, and without limiting the foregoing, Franchisee, in acquiring the cable system in Modesto, as part of the transfer approval form Cable One, and incorporated in the Franchise Agreement, agreed as follows:

"AT&T Broadband has acknowledged and agreed that, pursuant to the settlement agreement between Cable One and the City, the transfer ordinance approving the transfer to AT&T Broadband and the franchise Renewal Agreement, AT&T Broadband was and is currently required to perform certain physical improvements and corrections, and that these improvements and corrections were a condition of the Cable One/AT&T Broadband transfer and are binding on AT&T Broadband. AT&T Broadband has acknowledged that failure to perform these improvements and corrections within the times set forth in the settlement agreement shall constitute a material breach of the franchise. Execution and delivery of the certificate of acceptance of the franchise by AT&T Broadband constituted its agreement to be bound to this condition and to the terms of this Resolution, and the Franchise Agreement including, without limitation, the conditions requiring physical improvements and corrections to the cable system."
G. The City's consent to the change in control shall not be construed, in any manner whatsoever, to constitute a waiver or release of any rights the City may have under the franchise, whether those rights arose before or after the change in control to AT&T Comcast and the fact that such deficiencies may have existed prior to the change in control shall not be a defense against correction of the deficiencies or non-compliance.

H. The City and the Franchisee have, in a separate agreement, substantially in the form attached hereto as Exhibit B, identified certain concerns regarding compliance with the Franchise Documents and other performance issues, and the City and the Franchisee have agreed to resolve these concerns in good faith in the manner set forth in the separate agreement.

I. In the event of any failure to comply with the conditions and terms set forth herein, or any knowing misrepresentations concerning the same, the City may enforce any damages or penalty provisions pursuant to the Franchise Documents and exercise any and all other remedies available to it by law.

J. AT&T Comcast shall execute a certificate of acknowledgment in the form attached hereto as Exhibit A, at or before the close of the transaction and shall fax a copy of the executed certificate of acceptance to the City at or before the closing. The original certificate of acceptance shall be received by the City within thirty (30) business days of the close of the transaction.

K. This approval shall terminate and be of no further force and effect if the proposed transaction does not close on or before March 31, 2003. Should AT&T Broadband and AT&T Comcast desire additional time to close the transaction, they may, prior to March 1, 2003, apply to the City for an extension of the transfer approval upon a showing that none of the material facts and circumstances surrounding the change of control have changed and that AT&T Broadband shall comply with all the terms, conditions and agreements relating to the change of control. However, in no event, shall the approval of the change of control be extended, as provided for in this section, beyond June 30, 2003.
The foregoing Resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of June, 2002, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Conrad, 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 CARMEN SABATINO, Mayor

ATTEST:

By  JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By  MICHAEL D. MILICH, City Attorney
EXHIBIT A

CERTIFICATE OF ACKNOWLEDGMENT

Whereas, United Cable Television Corporation, a Delaware corporation ("United Cable" or "Franchisee") has unconditionally, irrevocably and without reservation accepted the Cable Television Franchise Renewal granted by Ordinance No. 3223 effective July 5, 2001 (the "Franchise Ordinance") and

Whereas, the City has consented to the change of control by which AT&T Comcast shall become the ultimate parent corporation of United Cable, subject to certain terms, conditions and agreements as set forth in Resolution No. 2002-299,

By the execution, delivery and filing of this Certificate, the undersigned unconditionally, irrevocably and without reservation, acknowledges and agrees to the terms of the Resolution No. 2002-299 and:

1. Acknowledges and agrees that the change of control will not affect, diminish, impair or supercede the binding nature of the existing ordinances, resolutions and agreements applicable to operation of the cable system or the Franchisee's ability to perform each and every promise, covenant, commitment and undertaking contained in the Franchise Ordinance, as provided in the Certificate of Acceptance of the Franchise Renewal, and agrees that it will use its best efforts to ensure that the Franchisee complies with its obligations under the Franchise Documents;

2. Acknowledges that, as provided in the Certificate of Acceptance of the Franchise Renewal, the Franchisee has represented and warranted that the Franchise Ordinance and the Franchise Renewal Agreement attached and incorporated in the Franchise Ordinance constitute a valid and binding obligation of Franchisee, as to each and every term thereof, enforceable against the Franchisee in accordance with the terms thereof.

3. Acknowledges and agrees that this Certificate constitutes a valid and binding obligation as to the undersigned, in accordance with the terms thereof;

4. Represents and warrants that the execution and delivery of this Certificate has been duly authorized and approved by the Board of Directors of the undersigned;
5. Represents and warrants that the persons who have executed this Certificate are duly authorized to do so by all necessary action;

6. Represents and warrants that the execution and delivery of this Certificate does not violate any provision of the By-Laws and/or Articles of Incorporation of any of the named corporations;

7. Expressly declares and agrees that the courts of the State of California and Federal District Court for the Eastern District of California, if appropriate, shall have jurisdiction over the Franchisee and the undersigned in any action arising under the Franchise Ordinance, and the Franchise Agreement in which both the Franchisee and the undersigned are named parties, and expressly consents to service of process pursuant to California Code of Civil Procedure Section 415.20(a) at any Modesto, Stockton or Sacramento, California office of the Franchisee as to any action arising under or purporting to arise under the Franchise Documents referenced herein in which both the Franchisee and the undersigned are named parties.

8. Expressly decrees and agrees that adequate and sufficient consideration has been provided for each and every promise, covenant, commitment and undertaking of the undersigned contained in the Certificate;

9. This Certificate shall be valid when and only when executed by all other parties listed above.

IN WITNESS WHEREOF, this Certificate is executed effective __________, 2002.

ATT Comcast, a Pennsylvania corporation.

By: ________________________________

Its: ________________________________

[NOTE: ALL SIGNATURES MUST BE NOTARIZED]
EXHIBIT B

Date ______________________

Mayor Carmen Sabatino
City of Modesto
1010 10th Street, suite 6100
Modesto, California 95353

Dear Mayor Sabatino:

We understand that the City of Modesto ("Franchising Authority") has several concerns relating to certain compliance matters under the franchise held by United Cable Television Corporation ("Franchisee"). The Franchising Authority has notified Franchisee of its concern that it would not be appropriate to approve a change of control prior to resolution of the following issues, which are in no particular order (collectively "Identified Issues"):

1. Franchisee’s compliance with requirements and time schedules and deadlines regarding physical improvements and corrections to the cable system in the City;

2. The Franchisee's compliance with the terms of the Franchise with respect to the I-Net and cooperation with the City in assisting in designing the most cost effective I-Net that will meet the needs of the government users.

3. Franchisee’s compliance with franchise customer service standards and requirements.

The Franchisee has represented to the City that the physical improvements and corrections required under the Franchise Documents are in process and are progressing according to a schedule that will meet the deadlines for status reports and completion set forth in the Franchise Documents. The City is relying on this representation and looks forward to completion of this work. The City will continue to cooperate with the Franchisee to provide timely inspections of the work.

The Franchisee has agreed that the cost estimate received by the City for the I-Net was preliminary only and did not trigger any time deadlines for a City response. The Franchisee will provide to the City a design that the Franchisee believes will meet the present and future needs of the I-Net users in the most cost efficient manner. The Franchisee is currently going forward with the First Phase of the rebuild in the Northwest area of the City. The Franchisee has agreed to and will, at its own initial cost, place/install fiber for the I-Net according to the present design in this First Phase, however, use of such fibers installed in the First Phase by I-Net users is contingent upon reimbursement as specified in the franchise and as set forth herein. At such time as the system design is complete, the Franchisee and the City will determine the final design of the I-Net and the process contained in Section 1 of Exhibit F of the Franchise Agreement.
will resume with respect to further construction and use of and payment for the I-Net. The City/I-Net users will only be responsible for paying the cost of the fiber in the First Phase based on the design selected by the City. The Franchisee understands that this may mean that the Franchisee will not be paid for all the fiber installed in the First Phase.

The Franchisee has proposed modified customer service regulations that address telephone answering times as set forth in Exhibit 1 to this letter. The City agrees that these customer service rules will be implemented for a trial period of 1 year, after which the parties will determine whether to continue these regulations. The Franchisee and the City understand that the City retains its right to unilaterally impose customer service regulations, as provided for by state and federal law and the Franchisee retains its rights to pass through to its customers the costs of any customer service regulations that are greater than those specified by the FCC.

The Franchisee and the City will also meet and confer on the number of hours of assistance for PEG that have been made available to the City to determine whether the hours assigned to this obligation by the Franchisee were properly assigned and to reallocate the hours available to the City if appropriate. In addition, the Franchisee will assist the City in moving the PEG equipment to another location in the City prior to June 30, 2002, provided that the City provides indemnification for any loss or damage for such equipment.

In order to successfully complete the consent process currently taking place by the Franchising Authority on the merger of AT&T Broadband and Comcast Corporation ("Merger") by June 11, 2002 as agreed to by the Franchise Authority and the companies, the Franchise Authority and the Franchisee agree to continue to discuss the Identified Issues towards reaching mutually satisfactory resolutions, separate and independent from the consent process. The City and the Franchisee will also make good faith efforts to resolve any other issues that may arise with respect to the Franchise.

It is understood that the Franchising Authority's consent to the Merger shall not extinguish the Franchising Authority's right and ability to pursue any remedy available under the franchise.

It is also understood and agreed that except for Identified Issues mutually resolved by the parties, the Franchising Authority and Franchisee shall not be deemed or construed to have waived any claims, actions, or defenses with respect to Identified Issues or other possible or alleged franchise violations duly noticed to Franchisee that remain unresolved.

By signing below the parties acknowledge and agree to the matters described herein above.

By: City of Modesto

By: United Cable Television Corporation

Its: __________________________

Its: __________________________
Exhibit 1

Customer Service Proposal

PROPOSED TELEPHONE RESPONSE REPORTING REQUIREMENTS

Frequency

Reports will be provided monthly, based on a simple average of results during normal business hours under normal operating conditions for the entire month. If the cable operator reports six consecutive months without material deviation below the minimum required performance standard, the cable operator may request to report quarterly. City of Modesto will not unreasonably deny such a request.

Reported Results

<table>
<thead>
<tr>
<th>Measurement</th>
<th>Standard</th>
</tr>
</thead>
<tbody>
<tr>
<td>Calls Abandoned(^1)</td>
<td>&lt;3%</td>
</tr>
<tr>
<td>Trunks Busy(^2)</td>
<td>&lt;3%</td>
</tr>
<tr>
<td>Average Speed of Answer(^3)</td>
<td>&lt;30 secs</td>
</tr>
</tbody>
</table>

For reporting purposes, results will be tabulated across all Call Centers that serve the City of Modesto. If these Call Centers serve other communities as well, the Operator will not discriminate in the quantity or quality of Call Center services provided to subscribers based on community or geographic location.

Non-Normal Results

If a monthly or quarterly report indicates deviation below the minimum required performance level, the cable operator will provide a written explanation of the deviation, including steps being taken to cure the problem, and the time expected to implement the cure.

\(^1\) Calls Abandoned = Total Calls Abandoned from an Agent Queue / Total Calls Offered.

\(^2\) Trunks Busy = Total Calls Hitting All Trunks Busy Message / Total Calls Offered. Automatically calculated by phone switch reports.

\(^3\) Average Speed of Answer = Time Customer chooses answer option on IVR until time the Agent answers.

All results are for Normal Operating Conditions for Normal Business Hours as defined by the FCC.
Monthly reports will be required thereafter until either (1) the cable operator demonstrates that the deviation was due to non-normal operating conditions reasonably beyond its control, as defined in the federal customer service regulations, or (2) the cable operator reports six consecutive months without deviation below the minimum required standard.

Compliance  The cable operator will be considered out of compliance with the City’s customer service requirements if:

1. The operator has failed to meet the prescribed standard for the last reporting period and has failed to attain compliance in the month immediately following the failed reporting period unless a longer period is agreed to by the City and the operator, and ;

2. The operator has been notified in writing of the potential compliance violation based on (1) and had reasonable opportunity to cure, as determined by the City and has failed to cure.

Liquidated Damages  If the Operator is found to be in non-compliance on one or more metrics for a given reporting period, the Operator will pay liquidated damages in the amount of:

- $1,200 -- first 30 days that non-compliance continues;
- $3,000 -- next 30 days that non-compliance continues;
- $6,000 -- next 30 days that non-compliance continues; and
- $9,000 -- per month in liquidated damages for the next 30 days that non-compliance continues until the noncompliance issue(s) are cured.

Payment shall be made within 30 days after the close of the reporting period. The City may designate whether the payment shall be (1) paid directly to the City, (2) refunded to customers, or (3) shall be paid to a 501(C)(3) organization selected by the City.

In the event the operator fails to cure the problem in 120 days, the City may elect to forego further penalties under this agreement and pursue all remedies and due process provisions available to it under the terms of the franchise.

_All results are for Normal Operating Conditions for Normal Business Hours as defined by the FCC._
General

Applicability These Customer Service regulations will apply equally to all Video Providers, as defined by Section 53088.1 of the California code operating in the franchise area.

1st Priority In the event of a conflict with other regulations or requirements, the provisions of this settlement agreement will preempt all conflicting regulations or requirements.
MODESTO CITY COUNCIL
RESOLUTION NO. 2002-300

A RESOLUTION AUTHORIZING THE PURCHASE OF $100,000 IN EQUIPMENT NECESSARY TO UPGRADE THE CABLE TELEVISION MASTER CONTROL ROOM FOR THE CONTINUED OPERATION OF PUBLIC-EDUCATION-GOVERNMENT PROGRAMMING.

WHEREAS, the Franchise Agreement between the City of Modesto and AT&T Broadband requires the City to assume management of Public-Education-Government (PEG) Television Programming on channels 2, 8, and 27 on July 5, 2002; and

WHEREAS, the City of Modesto will inherit from AT&T Broadband all of the equipment currently used for cable broadcasting of PEG programming as set forth in the Franchise Agreement between the City of Modesto and AT&T Broadband; and

WHEREAS, some of the equipment to be inherited by the City of Modesto will be used for the operation of the Master Control Room; and

WHEREAS, some of the equipment for the Master Control Room is near 10-years-old and requires updating to be consistent with the digital upgrade occurring in the Modesto cable system as set forth in the Franchise Agreement between the City of Modesto and AT&T Broadband; and

WHEREAS, the purchase of approximately $100,000 of new automated equipment with digital and web streaming capabilities will benefit the ongoing operations in the Master Control Room for the cable broadcasting of PEG programming; and

WHEREAS, some of the equipment inherited by the City of Modesto will be used in other areas of the continued operation of PEG, such as through Public Access or for training purposes.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the purchase of approximately $100,000 in equipment necessary to upgrade the Cable Television Master Control Room for the continued operation of Public-Education-Government Programming.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of June, 2002, by Mayor Sabatino, 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, Jackman, Keating, O’Bryant, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

JEAN ZAHR, City Clerk