MODESTO CITY COUNCIL
RESOLUTION NO. 2002-98

A RESOLUTION APPROVING X-FEST 2002 HOSTED BY CHRIS RICCI PRESENTS INC., AND JCD CONCEPTS 2000, INC. IN DOWNTOWN MODESTO ON SATURDAY JULY 20, 2002.

WHEREAS, on April 25, 2000, by Resolution No. 2000-189, the City Council approved a license agreement with Chris Ricci Presents Inc., to hold an annual Exclamation Fest (X-Fest), and

WHEREAS, this event will take place again on Saturday, July 20, 2002, and

WHEREAS, Mr. Ricci has met with the Modesto Police Department, the Downtown Improvement District and Modesto Centre Plaza staff in order to secure approval and coordination for the event, and

WHEREAS, this event is of financial benefit to the City of Modesto and downtown merchants, and

WHEREAS, the Human Services Committee reviewed this item at its February 6, 2002, meeting and supported approval of the X-Fest, and

WHEREAS, the Public Safety Committee reviewed this item at its February 7, 2002, meeting and supported approval of the X-Fest,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves X-Fest 2002 to be held in Downtown Modesto on Saturday, July 20, 2002.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of February, 2002, by Councilmember Serpa, 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, Friedman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Frohman

APPROVED AS TO FORM:

By: MICHAEL D. MILICH, City Attorney

Attest: JEAN ZAHR, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2002-99

A RESOLUTION CHANGING THE NAME OF WEST SIDE PARK, LOCATED AT 619 SIERRA DRIVE, TO CESAR E. CHAVEZ PARK

WHEREAS, City Council Policy No. 6.005 gives the City of Modesto Culture Commission the responsibility to review, select and recommend names for City parks, and

WHEREAS, on July 31, 2001 City staff received a proposal from the Latino Community Round Table requesting that the Culture Commission recommend changing the name of West Side Park to Cesar E. Chavez Park, and

WHEREAS, this change is consistent with Policy 6.005, and

WHEREAS, A public notice was mailed out on September 11, 2001, to residents living within 300 feet of the park site, and

WHEREAS, residents were asked to submit names, along with supporting information for their name choice by October 9, 2001, and

WHEREAS at a public hearing on October 22, 2001, the City of Modesto Culture Commission unanimously recommended “Cesar E. Chavez Park” as the new name of the park located at 619 Sierra Drive, and

WHEREAS, the Human Services Committee met on February 6, 2002, and supported the recommendation of the Culture Commission,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the name of the City park known as West Side Park, located at 619 Sierra Drive, is hereby changed to Cesar E. Chavez Park.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of February, 2002, by Councilmember Serpa, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: FROHMAN

Attest: [Signature]
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: [Signature]
MICHAEL D. MILICH, City Attorney
A RESOLUTION REVISING THE POSITION CLASSIFICATION PLAN FOR THE CITY OF MODESTO.

WHEREAS, a Position Classification Plan for the City of Modesto was adopted by Modesto City Council Resolution 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. CLASSIFICATION CREATED. The Position Classification Plan of the City of Modesto is hereby amended to create the following classification:

Community Facilities Districts Administrative Officer

As a result of a change in the administration of the Community Facilities Districts, a new position is assigned to the City Manager’s Department.

The specification for the classification of Community Facilities Districts Administrative Officer, Range 439 as shown on the attached Exhibit "A", which is hereby made a part of this resolution by reference, is hereby approved and made a part of the Position Classification Plan of the City of Modesto.

SECTION 2. CLASSIFICATION AMENDED. The Position Classification Plan of the City of Modesto is hereby amended to revise the following classification:

Maintenance Worker I/II

This classification is being amended as a result of the needs of the position assigned to the Operation and Maintenance Department.
The specification for the classification of Maintenance Worker, as shown on the attached Exhibit "B" which is hereby made a part of this resolution by reference, is hereby approved and made a part of the Position Classification Plan of the City of Modesto.

SECTION 3. EFFECTIVE DATE. This resolution shall become effective on and after March 6, 2002

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of March, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, 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
CITY OF MODESTO
No. 3507
COMMUNITY FACILITIES DISTRICTS ADMINISTRATIVE OFFICER

March, 2002

EXHIBIT “A”

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

DEFINITION

To administer and coordinate the formation of Community Facilities Districts (CFD's); to monitor, administer and coordinate the ongoing administration of the CFDs after formation; to establish, monitor and administer CFD tax accounts; and to perform research and other analytical work on a wide range of issues.

SUPERVISION RECEIVED AND EXERCISED

Receives administrative direction from the City Manager, Deputy City Manager or Department Director.

May exercise direct supervision over professional, technical and clerical staff.

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

Essential Functions

Prepare and review all operating and Capital Improvement Project (CIP) budgets for the Community Facilities Districts (CFD); direct the budgetary and fiscal control process for all CFD accounts.

Act as the liaison with the Finance Department regarding CFD financial insures.

Supervise the preparation of personnel documents and payroll.

Interact directly with the Mayor, City Council, the media and community leadership.

Participate in the selection of staff, provide or coordinate staff training, work with employees to improve performance; and implement disciplinary procedures as necessary.
ESSENTIAL AND MARGINAL FUNCTION STATEMENTS — (Continued)

Essential functions:

Identify, investigate, analyze, develop and prepare special studies, projects or reports; prepare complex research and analytical reports; recommend solutions to a variety of administrative and fiscal issues.

Conduct comprehensive cost benefit analyses.

Coordinate the clerical and analytical support needed for the CFDs. Oversee and coordinate the activities of a unit/division within a department.

Recommend and negotiate terms and conditions of various contracts.

Prepare and revise departmental rules and procedure manuals, and direct the instruction of their use.

Coordinate and monitor the work plan for the CFDs. Recommend goals and objectives; assist in the development of policies and procedures.

Review and analyze applicable State and Federal legislation for impact on CFDs.

Attend various City Council, Committee, Board, Commission, and other governmental meetings. Prepare and present agenda items to the City Council and Committees. Coordinate all agenda item and reports for CFDs.

Research special issues, problems and procedures. Prepare various reports for City Council regarding special projects, problems, requests.

Supervise the keeping of records and recommend the granting of requests for the purchase of major items of new property, or repair of existing property.

Revise and develop fees.

Confer with representatives of other agencies on various issues. Negotiate various contracts (including land acquisitions), monitor contracts, and authorize payments of various contracts. Ensure compliance with pertinent laws, regulations and ordinances.

Evaluate operations and activities of assigned responsibilities. Recommend improvements and modifications. Prepare various reports on operations and activities.
ESSENTIAL AND MARGINAL FUNCTION STATEMENTS — (continued)

Answer questions and provide information to the public, outside agencies and City staff. Investigate concerns and recommend corrective action, as necessary, to resolve.

ESSENTIAL AND MARGINAL FUNCTION STATEMENTS — (continued)

Review administrative practices and make recommendations for improvements.

Provide economic and statistical analysis.

Present oral and written reports.

Solicit, evaluate, retain and manage outside professional services involving complex financial, administrative and legal issues. Retain and/or dismiss service providers based upon performance.

Marginal functions:

Perform related duties as assigned.

Qualifications

Knowledge of:

Principles and practices of public and business administration, budgetary preparation and control.

Principles, practices and procedures of governmental accounting and financial record keeping and reporting. Principles and practices of “billing” procedures.

Principles and practices of supervision, training, and performance evaluation.

Application of statistical methods to management analysis.

Modern office procedures, methods to management analysis.

English usage, spelling, grammar and punctuation at an advanced level.

Advanced methods of report preparation and presentation.
QUALIFICATIONS – (Continued)

Knowledge of:

Technical report writing procedures.

Administrative research techniques, sources and availability of information.

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

Ability to:

Plan, organize, and direct the diverse and complex administrative programs of the CFDs.

Analyze problems, identify alternative solutions, project consequences of proposed actions and implement recommendations in support of goals.

Exercise independent judgment on a wide range of issues and make sound recommendations.

Perform advanced professional level work in the area of the CFDs.

Formulate and recommend policies and budgets. Perform budget analysis, preparation and monitoring.

Delegate authority and responsibility.

Schedule and program work on a long-term and short-term basis.

Devise and operate effective internal control procedures.

Prepare, review and approve complex analyses and reports. Review and approve completed staff work for oral and written communications.

Prepare, receive and control sensitive, confidential information.
QUALIFICATIONS – (Continued)

Ability to:

Plan, initiate and complete work assignments with a minimum of direction and explanation.
Read, understand and apply complex materials.
Establish comprehensive record keeping system.
Administer contracts.
Communicate clearly and concisely, both orally and in writing.
Establish and maintain cooperative working relationships with those contracted in the course of work.
Identify and respond to public and City Council issues and concerns.
Interpret and apply Federal, State and local policies, procedures, laws and regulations.

Experience and Training Guidelines

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

Experience

Four years of administrative/managerial experience including fiscal and project management in a public agency and one year of supervisory experience.

Training

Equivalent to a Bachelor's degree from an accredited college or university with major course work in business or public administration, economics, accounting, or related field.
License or Certificate

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

WORKING CONDITIONS:

Environmental Conditions:

Office environment.

Physical Conditions:

Essential and marginal functions may require maintaining physical condition necessary for sitting for prolonged periods of time; using a personal computer; traveling to and from sites and attending meetings.
MAINTENANCE WORKER I
MAINTENANCE WORKER II

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

DEFINITION

To perform semi-skilled labor in the maintenance and repair of parks and park facilities, street trees, water distribution systems, sewer systems, parking lots, bus shelters, streets, traffic control markings, fire hydrants, or other public works or neighborhood preservation unit functions.

DISTINGUISHING CHARACTERISTICS

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

This is a flexibly staffed position. Many employees within this class will promote to the Maintenance Worker II class after one year of satisfactory performance as a Maintenance Worker I. There are other positions in the Maintenance Worker I class that are permanently assigned at that level. For those positions, there is no opportunity to promote to the Maintenance Worker II level.

Maintenance Worker II - This is the full journey level class within the Maintenance Worker series. Employees within this class are distinguished from the Maintenance Worker I by the performance of the full range of duties as assigned, including the ability to work independently exercising judgment and initiative and the ability to operate the full range of tools and mechanical equipment related to a specific assignment. Employees at this level receive only occasional instruction or assistance as new or unusual situations arise, and they are fully aware of the operating procedures and policies of the work unit.

Level I/II positions assigned to the Parks Division of Operations and Maintenance are subject to assignment to weekend work during the summer months and may not be able to schedule vacation at that time.
SUPervision RECEIVED AND EXERCISED

Maintenance Worker I

Receives immediate supervision from higher level supervisory and management staff.

Maintenance Worker II

Receives general supervision from higher level supervisory and management staff.

Exercises functional and technical supervision over lower level maintenance staff.

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

Essential functions:

Work as part of a street maintenance crew; shovel and spread asphalt and asphalt base in patching, repairing and reconstructing streets.

Use concrete cutting and breaking equipment; operate a jackhammer; pour and assist in finishing concrete and masonry work; construct concrete forms and perform rough carpentry work.

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

Clean and maintain City restrooms, pools, picnic areas, buildings and other public facilities.

Clean up debris form parking lots, walkways, ditches, alleys, streets and storm drains.

Trim, prune, plant and maintain City trees; work in a tree trimming crew; operate a chain saw, chipper, stump digger and root cutter.

Mow, edge, fertilize and maintain grass and turf; remove weeds, prune shrubs, maintain plants and flowers; operate a mower, edger, blower and tractor.

Maintain and repair public sprinkler systems.

Inspect and clear obstructions from storm drains' maintain and rebuild rockwells.

Identify equipment needs for each assigned project.
ESSENTIAL AND MARGINAL FUNCTION STATEMENTS – (Continued)

Pick up and transport refuse to the appropriate dumping site.

Operate construction equipment such as dump trucks, rollers, front loaders, and power tools such as compressors, jack hammers, paint sprayers, sandblasters, and concrete saws.

Read water meters and report data for billing purposes (Maintenance Worker I assignment only).

Retrieve temporary signs and shopping carts from public right of way; collect penalties as assigned.

Use sandblasting, pressure washing, and other painting supplies and equipment to remove graffiti from public and private properties.

Document and maintain inventory records of assigned area.

Perform work in emergency situations as required.

Maintain a variety of maintenance records.

Operate a variety of vehicular and stationary mechanical equipment in a safe and effective manner in routine situations.

Work independently in the absence of supervision.

Use and operate hand tools, mechanical equipment, and power tools and equipment required for the work in a safe and efficient manner.

Read and interpret basic maps and blueprints.

Marginal functions:

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Uses and purposes of general construction tools and equipment.

Safe work practices.
QUALIFICATIONS – (continued)

In addition, for Maintenance Worker II:

Methods, techniques and tools and the operational characteristics of mechanical equipment used in the construction and maintenance of asphalt and/or concrete facilities.

Methods, techniques and tools and the operational characteristics of mechanical equipment used in maintenance of buildings, park areas, trees and golf courses.

Ability to:

Understand and follow oral and written directions.

Learn to perform unskilled and semi-skilled tasks in a variety of construction and maintenance activities.

Depending on assignment, perform medium to heavy manual labor, including lifting and carrying 75 to one hundred 100 lbs. of weight.

In addition, for Maintenance Worker II:

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

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:

Maintenance Worker I

Experience:

Approximately six months paid comparable work experience involving the performance of routine maintenance tasks as described above.

Training:

Formal or informal education or training which ensures the ability to read and write at a level necessary for successful job performance.
License or Certificate

Upon appointment must possess and maintain a valid California driver's license and have a satisfactory driving record.

Maintenance Worker II:

Experience:

One (1) year of increasingly responsible experience performing field maintenance duties comparable to those performed by a Maintenance Worker I.

Training:

Formal or informal education or training which ensures the ability to read or write at a level necessary for successful job performance.

License or Certificate:

Most assignments require the possession of a valid Class A or Class B driver's license including specified endorsements within 45 days of appointment. Failure to obtain the license within this period and/or failure to pass the federally mandated DOT drug/alcohol test after obtaining the license shall be grounds for release from probation.

WORKING CONDITIONS

Environmental Conditions:

Field environment; travel from site to site.

Physical Conditions:

Essential and marginal functions may require maintaining physical condition necessary for walking or standing for prolonged periods of time; operating motorized equipment and vehicles.
A RESOLUTION AMENDING EXHIBIT "A" OF RESOLUTION NO. 2001-270 TO AMEND THE CLASS RANGE TABLE FOR MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES TO ESTABLISH THE SALARY RANGE FOR THE CLASSIFICATION OF COMMUNITY FACILITIES DISTRICTS ADMINISTRATIVE OFFICER EFFECTIVE MARCH 6, 2002.

WHEREAS, the City Council desires to amend Exhibit "A" of Resolution No. 2001-270,

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

SECTION 1. AMENDMENT TO RESOLUTION NO. 2001-270. Exhibit "A" entitled "City of Modesto Class Range Table Management And Confidential Non-Sworn Classes Effective June 19, 2001", is hereby amended as shown on the amended Exhibit "A" entitled "City of Modesto Class Range Table Management and Confidential Non-Sworn Classes Effective March 6, 2002", which is attached hereto and made a part hereof as though set forth in full herein. Said amended Exhibit "A" establishes the salary range for Community Facilities Districts Administrative Officer at salary range 439.

SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after March 6, 2002.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of March, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED AS TO FORM:

By

MICHAEL D. MILICH, City Attorney
CITY OF MODESTO  
CLASS RANGE TABLE  
MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES  
Effective March 6, 2002

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| 413   | Administrative Technician (Confidential)  
       | Senior Personnel Clerk |
| 414   |       |
| 415   | Secretary |
| 416   |       |
| 417   |       |
| 418   | Legal Secretary |
| 419   | Police Training and Records Technician (Confidential)  
       | Public Information Technician (Confidential) |
| 420   | Accountant I (Confidential)  
       | Deputy City Clerk  
       | Employee Benefits Coordinator  
       | Executive Secretary  
       | Legal Services Technician  
       | Systems Technician  
       | Workers' Compensation Claims Examiner I |
| 421   |       |

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<td>Senior Crime Analyst</td>
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<td>Social Services Program Supervisor</td>
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City of Modesto  
Class Range Table – Management and Confidential Non-Sworn Classes  
Page - 3

<table>
<thead>
<tr>
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| 431   | Administrative Analyst II  
Assistant Risk Manager  
Geographic Information Systems Analyst  
Personnel Analyst  
Recycling Program Coordinator  
Senior Budget Analyst  
Senior Community Development Program Specialist  
Systems Analyst |
| 432   | Communications Specialist  
Industrial Waste Supervisor  
Neighborhood Preservation Supervisor  
Operations and Maintenance Supervisor  
Plant Maintenance Supervisor  
Recreation Supervisor II  
Secondary Treatment Facilities Supervisor  
Senior Accountant  
Water Quality Control Operations Supervisor  
Youth Program Supervisor |
| 433   | Organizational Development Specialist |
| 434   | Arborist  
Assistant Civil Engineer  
Assistant Traffic Engineer  
Electrical Supervisor  
Events Supervisor II  
Geographic Information Systems Coordinator  
Operations Supervisor  
SCADA Supervisor  
Senior Housing Rehabilitation Specialist  
Senior Programmer Analyst |
| 435   | Business Analyst  
Cultural Services Manager  
Integrated Waste Specialist  
Management Analyst  
Senior Personnel Analyst |
| 436   | Senior Planner  

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<td>Fire Marshal</td>
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<td>Golf Services Manager</td>
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<td>Parks Operations Superintendent</td>
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| 442   | Customer Services Division Manager  
       | Information Services Manager  
       | Manager of Budget and Financial Analysis  
       | Supervising Building Inspector  
       | Supervising Construction Inspector |
| 443   | Senior Deputy City Attorney I |
| 444   | Business Development Manager  
       | Deputy Chief Building Official  
       | General Services Manager  
       | Principal Planner |
| 445   | Accounting Division Manager  
       | Housing and Neighborhoods Division Manager |
| 446   | Water Quality Control Superintendent |
| 447   | Assistant to City Manager  
       | Chief Building Official  
       | Planning Division Manager  
       | Senior Civil Engineer  
       | Traffic Engineer |
| 448   | |
| 449   | Senior Deputy City Attorney II |
| 450   | |
| 451   | |
| 452   | Deputy Director – Cultural and Enterprise Services  
       | Deputy Director – Engineering & Transportation  
       | Deputy Director of Finance  
       | Deputy Director – Operations and Maintenance  
<pre><code>   | Deputy Director – Recreation and Neighborhoods |
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MODESTO CITY COUNCIL
RESOLUTION NO. 2002-102

A RESOLUTION AMENDING EXHIBIT “I” OF RESOLUTION NO. 2001-270 TO REVISE THE CLASS RANGE TABLE FOR EXECUTIVE MANAGEMENT TO ADJUST THE SALARY RANGE FOR THE CLASSIFICATIONS OF FIRE CHIEF AND PERSONNEL DIRECTOR, EFFECTIVE MARCH 12, 2002.

WHEREAS, the City Council desires to amend Exhibit "I" of Resolution No. 2001-270,

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

SECTION 1. AMENDMENT TO RESOLUTION NO. 2001-270. Exhibit "I" entitled "City of Modesto Class Range Table Executive Management Effective June 19, 2001", is hereby amended as shown on the amended Exhibit "I" entitled "City of Modesto Class Range Table Executive Management Classes Effective March 12, 2002", which is attached hereto and made a part hereof as though set forth in full herein. Said amended Exhibit "I" adjusts the salary range for Fire Chief to (Range 1425) and adjusts the salary range for Personnel Director to (Range 1420). Said range changes are independent of any across-the-board salary increases which may be granted to Executive and Management employees for FY 2001-2002.

SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after March 12, 2002.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of March, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll carried and the resolution adopted by the following vote:


NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
CITY OF MODESTO  
CLASS RANGE TABLE  
EXECUTIVE MANAGEMENT  

Effective March 12, 2002

<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
</tr>
</thead>
<tbody>
<tr>
<td>1410</td>
<td>City Clerk/Auditor</td>
</tr>
<tr>
<td>1411 – 1417</td>
<td></td>
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<td>1418</td>
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<td>1419</td>
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</tbody>
</table>
| 1420  | Finance Director  
Operations and Maintenance Director  
**Personnel Director**  
Recreation and Neighborhoods Director |
| 1421  | |
| 1422  | Community Development Director |
| 1423  | Engineering and Transportation Director |
| 1424  | |
| 1425  | **Fire Chief**  
Police Chief |
| 1426  | |
| 1427  | Deputy City Manager |
| 1428  | City Attorney |
| 1429 – 1432 | |
| 1433  | City Manager |
MODESTO CITY COUNCIL
RESOLUTION NO. 2002-103

A RESOLUTION AUTHORIZING THE AWARD OF BODY ARMOR TO L.C. ACTION FOR A TOTAL COST OF $91,087.00.

WHEREAS, bids were solicited from fourteen (14) vendors for Safariland Zero G body armor, and said bid was formally advertised, and

WHEREAS, the three (3) bids received for the body armor were opened at 11:00am on December 18, 2001, and later evaluated by the Finance Director for the consideration of the Council, and

WHEREAS, two (2) of the three (3) vendors who responded bid alternate vests, and

WHEREAS, the two (2) vendors bidding alternate vests were deemed non-responsive because they did not submit bids for Safariland Zero G body armor, and

WHEREAS, the cost of the body armor in the amount of $91,087.00 is being funded by the 2001 Local Law Enforcement Block Grant, and

WHEREAS, the Finance Director has recommended that the bid of L.C. Action for Safariland Zero G body armor in the amount of $91,087.00, be accepted,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby awards the bid for Safariland Zero G body armor to L.C. Action, for the total cost of $91,087.00 and authorize the Purchasing Supervisor to purchase the body armor,
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of March, 2002, by Councilmember Smith, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, 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. 2002-104

A RESOLUTION APPROVING AN AGREEMENT WITH COMPUTERWARE, INC. TO PROVIDE PROFESSIONAL SERVICES TO THE CITY ATTORNEY’S OFFICE AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT.

WHEREAS, it has been determined that it is in the best interests of the City Attorney’s Office to out source its computer support services, and

WHEREAS, ComputerWare, Inc. can provide the necessary ongoing professional computer support services to the City Attorney’s Office, and

WHEREAS, the City Council considered this matter at its meeting of March 6, 2002,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an agreement between the City and ComputerWare, Inc. for ongoing professional computer support services and authorizes the City Manager or authorized designee to execute the agreement with ComputerWare, Inc.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of March, 2002, by Councilmember Smith, 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, Friedman, Frohman, Serpa, Smith, 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. 2002-105

A RESOLUTION AWARDING A CONTRACT TO WLC ARCHITECTS FOR PROFESSIONAL ARCHITECTURAL SERVICES FOR A JOINT FIRE, POLICE AND PARKS, RECREATION AND NEIGHBORHOODS FACILITY AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE CONTRACT

WHEREAS, three City of Modesto departments desire to develop a joint facility at the southwest corner of Sutter and Chicago Avenues in James Marshall Park, and

WHEREAS, the existing Fire Station No. 2 which provides service to this area is no longer in the correct location and the size and condition of the facility make replacement desirable, and

WHEREAS, the Police Department operates a southwest area office and now desires to combine with the Fire Department and the Parks, Recreation and Neighborhoods Department in an expanded facility, and

WHEREAS, the Parks, Recreation and Neighborhoods Department desires to locate services in this neighborhood, and

WHEREAS, at its April 4, 2001 meeting, the Human Services Committee supported soliciting RFP’s for architectural services for the Westside Service Center, and

WHEREAS, at the April 27, 2001 City Council meeting, the Council approved solicitation of Requests for Proposals for professional architectural services, and

WHEREAS, staff interviewed architectural firms and determined that WLC Architects is the most qualified, and

WHEREAS, WLC Architects has agreed to provide the schematic design, design development and contract documents and Phase I construction documents for the joint facility at a cost not to exceed $197,500, and

WHEREAS, $1,182,905 has been allocated to Capital Project 1300-180-M163, Westside Service Center,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby awards a contract to WLC Architects for professional architectural services to prepare the schematic design, design development and contract document phases for the Westside Service Center in the amount of $197,500.00.
BE IT FURTHER RESOLVED that the City Manager is hereby authorized to execute said contract documents.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of March 2002, by Councilmember Serpa, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, 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 AMENDING THE FISCAL YEAR 01-02 CAPITAL IMPROVEMENT PROGRAM TO RE-ALLOCATE FUNDING IN PROJECT 1300-180-M163, WESTSIDE SERVICE CENTER TO A NEW PROJECT 1130-310-M163, MODESTO WESTSIDE SERVICE CENTER

WHEREAS, $382,000 was included in the Parks section of the adopted FY 00-01 Capital Improvement budget for the Modesto Westside Service Center, and

WHEREAS, $800,000 was included in the Parks section of the adopted FY 01-02 Capital Improvement budget for the Modesto Westside Service Center, and

WHEREAS, the funding was assigned to the Fire Department Agency, and,

WHEREAS, in order to align the project with the adopted Capital Improvement Program and for the Parks, Recreation and Neighborhoods Department to appropriately monitor and manage the project, it is necessary to transfer the project to the Parks agency 310,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby amends the FY 01-02 Capital Improvement Program to re-allocate funding from project 1300-180-M163 to a new project, 1300-310-M163, Modesto Westside Service Center.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of March, 2002, by Councilmember Serpa, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: JEAN ZAHR, City Clerk

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

03/06/02/PR&N/B Ford 1 2002-106
MODESTO CITY COUNCIL
RESOLUTION NO. 2002-107

A RESOLUTION APPROVING A PROCESS FOR FEDERALLY FUNDED LOANS INITIATED BY THE PARKS, RECREATION AND NEIGHBORHOODS DEPARTMENT

WHEREAS, in 1996, the City Council adopted Resolution No 96-88 authorizing the City Manager to modify and execute loan documents for participants of the City’s rehabilitation programs receiving financial assistance, and

WHEREAS, on October 27, 2001, the City Council authorized new program criteria for the Down Payment Assistance Program and authorized the Housing Rehabilitation Loan Committee to approve loans issued under this program, and

WHEREAS, in order to proceed in an effective manner for issuing loans, staff is recommending that guidelines be established for the approval and authorization process for loans as follows:

- Down Payment Assistance Program (DPAP) Loans, up to the program maximum, currently $25,000, receives approval by the Housing Rehabilitation Loan Committee, but do not require City Council approval.

- Emergency Home Repair Loans/Disabled Access Repair (EHRP) Loans, up to $15,000, the current program maximum, receives approval by the Housing Rehabilitation Loan Committee, but do not require City Council approval.

- Housing Maintenance Program (HMP) loans receive both Housing Rehabilitation Loan Committee approval and City Council approval if the loan amount is over $25,000.

and

WHEREAS, any loans, other than those specified above, shall receive approval from the appropriate established committee and shall then proceed to the City Council for authorization and approval, and

WHEREAS, all loans shall require City Manager approval for execution, and

WHEREAS, the Citizens Housing and Community Development Committee met on January 18, 2002, and approved the policy as recommended by staff,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves a process for federally funded loans initiated by the Parks, Recreation and Neighborhoods Department as follows:

- **Down Payment Assistance Program (DPAP) Loans**, up to the program maximum, currently $25,000, receives approval by the Housing Rehabilitation Loan Committee, but do not require City Council approval.

- **Emergency Home Repair Loans/Disabled Access Repair (EHRP) Loans**, up to $15,000, the current program maximum, receives approval by the Housing Rehabilitation Loan Committee, but do not require City Council approval.

- **Housing Maintenance Program (HMP) loans** receive both Housing Rehabilitation Loan Committee approval and City Council approval if the loan amount is over $25,000.

BE IT FURTHER RESOLVED that any other loans not specified in this policy shall receive approval from the appropriate established committee and shall then proceed to Council for authorization and approval.

BE IT FURTHER RESOLVED that all loans shall require City Manager approval for execution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of March, 2002, by Councilmember Friedman, 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, Friedman, Frohman, Serpa, Smith, 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
MODESTO CITY COUNCIL
RESOLUTION NO. 2002-108

A RESOLUTION AUTHORIZING EXECUTION BY THE CITY MANAGER OF AMENDMENT TO ANIMAL CONTROL SHELTER SERVICES AGREEMENT TO EXTEND THE TERM OF SAID AGREEMENT

WHEREAS, the City of Modesto and County of Stanislaus entered into an Agreement for Animal Control Shelter Services on February 28, 1972, and
WHEREAS, said Agreement was for a term of thirty (30) years, thus expiring on February 28, 2002, and
WHEREAS, the parties now wish to enter into a new Agreement with different conditions, promises and covenants, and
WHEREAS, the 1972 Agreement specifically authorizes an Amendment to the Agreement at any time by mutual agreement of the parties in writing, and
WHEREAS, the parties understand and agree it is necessary to extend the term of the 1972 Agreement in order to allow the parties sufficient time to negotiate, prepare and to submit said Agreement to their respective agencies for approval, and
WHEREAS, the parties agree to amend the 1972 Agreement so that the conditions, promises and covenants of that Agreement are in effect for a term beginning on March 1, 2002, and terminating on April 30, 2002, a copy of the Amendment is attached to this Resolution, and
WHEREAS, it is necessary for the City Council to adopt a resolution authorizing the City Manager to execute the Amendment to the 1972 Agreement.

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

The City Manager is hereby directed to execute an Amendment to the 1972 Animal Control Shelter Services Agreement extending the conditions, promises and covenants of that Agreement for a term to begin on March 1, 2002, and to terminate on April 30, 2002.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of March, 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, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHN, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Michael D. Milich
MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2002-109

A RESOLUTION ACCEPTING THE BID OF MOZINGO CONSTRUCTION INC. FOR THE PROJECT TITLED “ORANGEBURG AVENUE WATERLINE”

WHEREAS, the bids received for “ORANGEBURG AVENUE WATERLINE” were opened at 11:00 a.m. on February 19, 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 $206,465.20 received from Mozingo Construction, 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 $206,465.20 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 12th day of March, 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, Friedman, Frohman, Serpa, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Smith

ATTEST: Jean Zahr, City Clerk

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
A RESOLUTION AUTHORIZING THE PURCHASING SUPERVISOR TO FORMALLY SOLICIT A REQUEST FOR BIDS FOR A GRAVITY BELT THICKENER (GBT)

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, the existing gravity belt thickeners (GBT’s) are outdated and need to be upgraded, and

WHEREAS, cost estimates to upgrade the existing gravity belt thickeners (GBT’s) would exceed the cost of a new gravity belt thickener (GBT), and

WHEREAS, a new gravity belt thickener will replace two existing outdated models, and

WHEREAS, the anticipated cost of a new GBT will be approximately $200,000.00, and

WHEREAS, by soliciting competitive bids for a Gravity Belt Thickener, the Finance Department-Purchasing Division will comply with the Modesto Municipal Code, Section 8-3.204, regarding formal bid procedures,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the formal solicitation of bids for a Gravity Belt Thickener is hereby approved as follows:

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

SECTION 2. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of March, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Smith

ATTEST: Jean Zahr, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2002-111

A RESOLUTION APPROVING THE FINAL MAP AND ACCEPTING PUBLIC IMPROVEMENTS OF THE OLYMPIC PARK UNIT NO. 3 SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, Warren Smith Lawson Family, Inc., a California Corporation, is possessed of a tract of land situate in the City of Modesto, County of Stanislaus, consisting of 0.73 acres, known as Olympic Park Unit No. 3 Subdivision, and

WHEREAS, a tentative map of said tract was approved by the Planning Commission on the 2nd day of October, 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 Olympic Park Unit No. 3 Subdivision meets all of the provisions of the California Subdivision Map Act and the provisions of the Modesto Municipal Code relating to subdivisions, and that the map is technically correct, and

WHEREAS, the Engineering and Transportation Director has certified that all public improvements required by the City of Modesto have been completed in said tract to the satisfaction of the Engineering and Transportation Director,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that said final map be approved; that the improvements in said tract be accepted; that the dedications for streets 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 and file a Notice of Completion 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.

BE IT FURTHER RESOLVED that the City Manager and the City Clerk be authorized to execute and attest, respectively, an agreement with subdividers 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 12th day of March, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Friedman was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Smith

ATTEST: Jean Zahr, City Clerk

(SEAL)

APPROVED AS TO FORM:

MICHAEL D. MILICH, City Attorney

By: ALISON A. BARRATT-GREEN
Senior Deputy City Attorney
A RESOLUTION APPROVING THE FINAL MAP AND ACCEPTING PUBLIC IMPROVEMENTS, EXCEPT LANDSCAPING AND IRRIGATION IMPROVEMENTS, OF THE OLYMPIC PARK UNIT NO. 2 SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, Warren Smith Lawson Family, Inc., a California Corporation, is possessed of a tract of land situate in the City of Modesto, County of Stanislaus, consisting of 0.90 acres, known as Olympic Park Unit No. 2 Subdivision, and

WHEREAS, a tentative map of said tract was approved by the Planning Commission on the 17th day of March, 1997, 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 Olympic Park Unit No. 2 Subdivision meets all of the provisions of the California Subdivision Map Act and the provisions of the Modesto Municipal Code relating to subdivisions, and that the map is technically correct, and

WHEREAS, the Subdivider has filed a check in the amount of $22,000.00 to secure faithful performance and payment for labor and materials associated with Landscaping and Irrigation Improvements,

WHEREAS, the Engineering and Transportation Director has certified that all public improvements, except Landscaping and Irrigation Improvements, required by the City of Modesto have been completed in said tract to the satisfaction of the Engineering and Transportation Director,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that said final map be approved; that the improvements, except Landscaping and Irrigation Improvements, in said tract be accepted; that the dedications for streets 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 and file a Notice of Completion 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.

BE IT FURTHER RESOLVED that the City Manager and the City Clerk be authorized to execute and attest, respectively, an agreement with subdividers 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 12th day of March, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Smith

ATTEST: Jean Zahr

JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

MICHAEL D. MILICH, City Attorney

By:ALISON A. BARRATT-GREEN
Senior Deputy City Attorney
A RESOLUTION ACCEPTING IMPROVEMENTS IN ENTERPRISE BUSINESS PARK AND AUTHORIZING RELEASE OF BONDS

WHEREAS, Marvin L. Oates and Jesus O. Garcia, subdividers of Enterprise Business Park subdivision, have filed irrevocable letters of credit to secure faithful performance and payment for labor and materials in the amount of $1,011,000 and $505,500, respectively, and,

WHEREAS, Marvin L. Oates and Jesus O. Garcia has filed a warranty bond in the amount of $101,100 to guarantee improvements in Enterprise Business Park 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 Enterprise Business Park Subdivision are hereby accepted.

2. The City Clerk is hereby authorized to release the letter of credit for faithful performance in the amount of $1,011,000 upon recordation of the notice of completion.

3. The City Clerk is hereby authorized to release the letter of credit for labor and materials in the amount of $505,500 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 to guarantee improvements in the amount of $101,100 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 12th day of March, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Smith

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2002-114

A RESOLUTION APPROVING THE FINAL MAP OF FERNWOOD PHASE 3
SUBDIVISION OF THE CITY OF MODESTO

WHEREAS, FERNWOOD PROPERTIES LLC, a California Limited Liability
Company, by its Manager Member, BENNETT DEVELOPMENT, INC., a California
Corporation, is possessed of a tract of land situated in the City of Modesto, County of
Stanislaus, consisting of 10.12 acres, known as Fernwood Phase 3 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 25th day of January, 1999, 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 FERNWOOD PHASE 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 12th day of March, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Smith

ATTEST: 

(SEAL)

APPROVED AS TO FORM:

MICHAEL D. MILICH, City Attorney

By: ALISON A. BARRATT-GREEN
Senior Deputy City Attorney
A RESOLUTION APPROVING THE FINAL MAP OF FERNWOOD PHASE 3
SUBDIVISION OF THE CITY OF MODESTO

WHEREAS, FERNWOOD PROPERTIES LLC, a California Limited Liability
Company, by its Manager Member, BENNETT DEVELOPMENT, INC., a California
Corporation, is possessed of a tract of land situated in the City of Modesto, County of
Stanislaus, consisting of 10.12 acres, known as Fernwood Phase 3 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 25th day of January, 1999, 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 FERNWOOD PHASE 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 12th day of March, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Smith

ATTEST: JEH ZAH, City Clerk

(SEAL)

APPROVED AS TO FORM:

MICHAEL D. MILICH, City Attorney

By: ALISON A. BARRATT-GREEN
Senior Deputy City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2002-115

A RESOLUTION APPROVING THE FINAL MAP AND ACCEPTING PUBLIC IMPROVEMENTS OF THE SNYDER APARTMENTS AND MINI STORAGE SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, TRS Enterprises, Inc., a California Corporation, is possessed of a tract of land situate in the City of Modesto, County of Stanislaus, consisting of 4.89 acres, known as Snyder Apartments and Mini Storage Subdivision, and

WHEREAS, a tentative map of said tract was approved by the Planning Commission on the 7th day of May, 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 Snyder Apartments and Mini Storage Subdivision meets all of the provisions of the California Subdivision Map Act and the provisions of the Modesto Municipal Code relating to subdivisions, and that the map is technically correct, and

WHEREAS, the Engineering and Transportation Director has certified that all public improvements required by the City of Modesto have been completed in said tract to the satisfaction of the Engineering and Transportation Director,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that said final map be approved; that the improvements in said tract be accepted; 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 and file a Notice of Completion 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. Also, the City Clerk is hereby authorized to release the warranty security to guarantee improvements in the amount of $20,000 Certificate of Deposit one year and one day following the effective date of this resolution, provided no claim is made thereon.
BE IT FURTHER RESOLVED that the City Manager and the City Clerk be authorized to execute and attest, respectively, an agreement with subdividers 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 12th day of March, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Mayor Sabatino
NOES: Councilmembers: None
ABSENT: Councilmembers: Smith

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

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

By ALISON A. BARRATT-GREEN
Senior Deputy City Attorney

2002-115
WHEREAS, Resolution No. 88-935 adopted by the Council of the City of Modesto on December 12, 1988, initiated proceedings for the formation of Landscape Assessment District No. 1 for the purpose of administering the maintenance of landscaping in the public right of way within the street medians and adjacent to the access control walls in Dry Creek Meadows Subdivisions Nos. 1-6.

WHEREAS, said assessment district was formed in accordance with the Landscaping and Lighting Act of 1972 (Streets and Highways Code Sections 22500 through 22679), and

WHEREAS, Section 22622 of the Streets and Highways Code requires the legislative body (the City Council) to adopt a resolution which shall generally describe any proposed new improvements or any substantial changes in existing improvements and order the engineer to prepare and to file a report accordingly,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that there being no proposed new improvements or any substantial changes in existing improvements in Dry Creek Meadows Subdivision Nos. 1-6 the Engineering and Transportation Director, the person designated by this Council as the Engineer of Work for Assessment District No. 1, is hereby directed to prepare and file an annual report in accordance with the provisions of the Landscaping and Lighting Act of 1972, as amended, (Streets and Highways Code Sections 22500 through 22679).
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of March, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Smith

(Seal)

APPROVED AS TO FORM:

By

MICHAEL D. MILICH, City Attorney

ATTEST: 

JEAN ZAHN, City Clerk

03/12/02/E&T/R Granberg 2 2002-116
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-117

A RESOLUTION ORDERING THE ENGINEERING AND TRANSPORTATION DIRECTOR TO PREPARE AND FILE AN ANNUAL REPORT FOR LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NO. 2 FOR DRY CREEK MEADOWS SUBDIVISION NOS. 7-10, CREEKWOOD MEADOWS SUBDIVISION, AND YOSEMITE MEADOWS SUBDIVISION UNITS NO. 1 & 2.

WHEREAS, Resolution No. 89-460 adopted by the Council of the City of Modesto on April 4, 1989, initiated proceedings for the formation of Landscape Assessment District No. 2 for the purpose of administering the maintenance of landscaping in the public right of way within the street medians and adjacent to the access control walls in Dry Creek Meadows Subdivisions Nos. 7-10, Creekwood Meadows Subdivision, and Yosemite Meadows Subdivision Units No. 1 & 2, and

WHEREAS, said assessment district was formed in accordance with the Landscaping and Lighting Act of 1972 (Streets and Highways Code Sections 22500 through 22679), and

WHEREAS, Section 22622 of the Streets and Highways Code requires the legislative body (the City Council) to adopt a resolution which shall generally describe any proposed new improvements or any substantial changes in existing improvements and order the engineer to prepare and to file a report accordingly,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that there being no proposed new improvements or any substantial changes in existing improvements in Dry Creek Meadows Subdivision Nos. 7-10, Creekwood Meadows Subdivision, and Yosemite Meadows Subdivision Units No. 1 & 2, the Engineering and Transportation Director, the person designated by this Council as the Engineer of Work for Assessment District No. 2, is hereby directed to prepare and file an annual report in accordance with the provisions of the Landscaping and Lighting Act of 1972, as amended, (Streets and Highways Code Sections 22500 through 22679).
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of March, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Smith

ATTEST: [Signature]
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By [Signature]
MICHAEL D. MILICH, City Attorney
A RESOLUTION AUTHORIZING THE AWARD OF ANNUAL WELL REHABILITATION TO DON PEDRO PUMP AS THE PRIMARY PROVIDER, HOWK SYSTEMS AS THE SECONDARY AND HENNINGS BROTHERS AS THE THIRD PROVIDER FOR AN ESTIMATED ANNUAL COST OF $80,000.00, WITH TWO (2) ONE-YEAR EXTENSION OPTIONS.

WHEREAS, the City of Modesto has deemed it necessary to purchase well rehabilitation, and

WHEREAS, the estimated annual cost for the well rehabilitation is $80,000.00 annually, and

WHEREAS, the City Clerk has formally solicited bids and formally opened all responses to the solicitation of bids for well rehabilitation on December 18, 2001, and

WHEREAS, City staff recommends that the City award the bid to a primary vendor with a secondary and third vendor to be used as backup in the event that the primary (and secondary) vendor is unavailable, and

WHEREAS, by providing for back-up vendors, critical work will not have to wait until the primary contractor is available to perform the required work, and

WHEREAS, the resulting price agreements with said vendor(s) will be for a one-year period with two (2), one-year extension options, and

WHEREAS, the Finance Director has recommended that the bids of Don Pedro Pump as the primary provider, Howk Systems as the secondary provider and Hennings Brothers as the third provider be accepted.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that the purchase of the well rehabilitation from Don Pedro Pump as the primary provider, Howk Systems as the secondary provider and Hennings Brothers as the third provider is approved.

BE IT FURTHER RESOLVED that the Council hereby authorizes the resulting price agreements for a period of one (1) year, with two (2), one-year extension options.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of March, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Smith

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2002-119

A RESOLUTION AUTHORIZING THE AWARD OF ANNUAL PUMP STATION REJUVENATION TO AMERINE SYSTEMS AS THE PRIMARY PROVIDER, DON PEDRO PUMPS AS THE SECONDARY AND HOWK SYSTEMS AS THE THIRD PROVIDER FOR AN ESTIMATED ANNUAL COST OF $500,000.00, WITH TWO (2) ONE-YEAR EXTENSION OPTIONS.

WHEREAS, the City of Modesto has deemed it necessary to purchase pump station rejuvenation, and
WHEREAS, the estimated annual cost for the well rehabilitation is $500,000.00 annually, and
WHEREAS, the City Clerk has formally solicited bids and formally opened all responses to the solicitation of bids for pump station rejuvenation on December 18, 2001, and
WHEREAS, City staff recommends that the City award the bid to a primary vendor with a secondary and third vendor to be used as backup in the event that the primary (and secondary) vendor is unavailable, and
WHEREAS, by providing for back-up vendors, critical work will not have to wait until the primary contractor is available to perform the required work, and
WHEREAS, the resulting price agreements with said vendor(s) will be for a one-year period with two (2), one-year extension options, and
WHEREAS, the Finance Director has recommended that the bids of Amerine Systems as the primary contractor, Don Pedro Pump as the secondary contractor, and Howk Systems as the third provider be accepted.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that the purchase of the pump station rejuvenation from Amerine Systems as the primary provider, Don Pedro Pump as the secondary provider and Howk Systems as the third provider is approved.

BE IT FURTHER RESOLVED that the Council hereby authorizes the resulting price agreement for a period of one (1) year, with two (2), one-year extension options.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of March, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Smith

ATTEST: Jean Zahr

JEAN ZAHN, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich, City Attorney
A RESOLUTION AUTHORIZING THE PURCHASE OF A 7-TON VIBRATORY ROLLER AND TRAILER FROM HOLT BROTHERS OF CALIFORNIA FOR A TOTAL COST OF $97,352.00.

WHEREAS, the Streets Division of the Operations and Maintenance Department has been renting a smaller vibratory compactor for an average rate of $2,900 per month, and

WHEREAS, the Streets Division is using the vibratory compactor for construction related to residential overlays, and

WHEREAS, the City has obtained pricing from Holt Brothers of California, which is based upon U.S. Government General Services Administration (GSA) pricing, and

WHEREAS, the discount provided by Holt Brothers as part of the GSA pricing is approximately 29% off Caterpillar list pricing, and

WHEREAS, the total cost of the 7-ton vibratory compactor and trailer is $97,352.00, and

WHEREAS, the Purchasing Officer has determined that a process other than the formal bid procedures set forth in Section 8-3.204 of the Modesto Municipal Code will result in a procurement for the City at the lowest possible cost commensurate with the desired quality,

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that purchase of the 7-ton vibratory roller from Holt Brothers of California for $97,352.00 is hereby approved.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of March, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Smith

ATTEST: 
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2002-121

A RESOLUTION AMENDING THE BUDGET BY $97,352.00 TO FUND THE PURCHASE OF A 7-TON VIBRATORY ROLLER AND TRAILER.

WHEREAS, the City desires to fund the purchase of a 7-ton vibratory roller and Trailer for the Streets Division of Operations and Maintenance at a cost of $97,352.00, and

WHEREAS, funds are available in the Carry Reserve accounts 0100-510-9510-8099 in the amount of $75,000.00, and 0100-480-4801-8099 in the amount of $22,352.00 for said purchase,

NOW THEREFORE BE IT RESOLVED that the budget is hereby amended to increase expense account 7200-480-5814-5752 - 7-ton Vibratory roller, by $97,352.00, said increased funds coming from Carry Reserve accounts 0100-510-9510-8099 in the amount of $75,000.00 and 0100-480-4801-8099 in the amount of $22,352.00.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of March, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Smith

ATTEST: Jean Zahr, City Clerk

APPROVED AS TO FORM: By: Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2002-122

A RESOLUTION CALLING AN ELECTION FOR THE PURPOSE OF SUBMITTING THE LEVY OF THE SPECIAL TAX TO THE QUALIFIED ELECTORS OF THE TERRITORY PROPOSED TO BE ANNEXED TO COMMUNITY FACILITIES DISTRICT NO. 1996-1 (VILLAGE ONE - ANNEXATION #8)

WHEREAS, this Council did, on February 5, 2001, adopt its Resolution No. 2002-46 (the "Resolution of Intention to Annex") to indicate its intention to annex certain territory (the "Annexed Territory") to its Community Facilities District No. 1996-1 (the "District") in order to finance certain public facilities (the "Facilities") and services (the "Services") and to authorize the levy of a special tax (the "Special Tax") within the Annexed Territory, pursuant to Chapter 3.5 of Part 1 of Division 2 of Title 5 (commencing with Section 53311) of the California Government Code, commonly known as the "Mello-Roos Community Facilities Act of 1982" (the "Act"), and

WHEREAS, a copy of the Resolution of Intention to Annex, describing the territory proposed to be annexed, the list of Facilities and Services to be financed by the Annexed Territory, and the Special Tax to be levied in the Annexed Territory, and setting the hearing thereon, is on file with the City Clerk and is incorporated herein by this reference, and

WHEREAS, notice of the hearing was duly published as required by law, as evidenced by the proof of publication on file with the City Clerk, and

WHEREAS, on March 12, 2002, this Council held the hearing as required by law related to the proposed annexation of territory and the levy of the Special Tax within the Annexed Territory and all other matters set forth in the Resolution of Intention to Annex, and

WHEREAS, at the hearing all persons desiring to be heard on all matters pertaining to the proposed annexation of territory and the levy of the Special Tax therein and all other matters set forth in the Resolution of Intention to Annex, including all interested persons or taxpayers for or against the proposed annexation of territory and the levy of the Special Tax therein were heard and considered, and a full and fair hearing was held thereon, and

WHEREAS, at the hearing evidence was presented to this Council on the matters before it, and this Council at the conclusion of the hearing was fully advised as to all
matters related to the proposed annexation and the levy of the Special Tax therein and all other matters set forth in the Resolution of Intention to Annex, and

WHEREAS, written protests against the proposed annexation and the levy of the Special Tax therein have not been filed with the City Clerk by fifty percent or more of the registered voters, or six registered voters, whichever is more, residing within either the District or the Annexed Territory proposed to be annexed to the District, or the owners of one-half or more of the area of land in either the territory in the District or the Annexed Territory and not exempt from the Special Tax, and

WHEREAS, the City Clerk has concurred in the election date herein set forth for the election herein called,

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

SECTION 1. The foregoing recitals are true and correct.

SECTION 2. All prior proceedings taken with respect to the annexation of territory to the District and the levy of the Special Tax therein, were valid and in conformity with the requirements of the Act. This determination shall be final and conclusive upon all persons.

therein have not been precluded by majority protest pursuant to Section 53339.5 of the Act.

SECTION 3(a) The Facilities to be financed by the Annexed Territory are set forth in EXHIBIT "A" attached hereto and by this reference incorporated herein.

(b) The Facilities are necessary to meet the increased demands placed upon the City and other local agencies operating within the Annexed Territory as a result of development occurring therein.

(c) No land within the Annexed Territory is devoted primarily to agricultural, timber or livestock uses or being used for the commercial production of agricultural, timber or livestock products.

SECTION 4(a) The Services to be financed by the Annexed Territory are set forth in EXHIBIT "A" attached hereto and incorporated by this reference, including expenses incidental thereto as authorized by Section 53313 of the Act. The Services are governmental services which the City is authorized by law to provide to the extent that
they are in addition to those provided in the Annexed Territory before the territory was annexed to the District.

(b) The Services are necessary to meet the increased demands placed upon the City and other local agencies operating within the area of the Annexed Territory as a result of development occurring in the Annexed Territory.

SECTION 5. The Amended Report related to the Facilities and Services shall be a part of the record in these proceedings.

SECTION 6(a) As stated in the Resolution of Intention to Annex, it is the intention of this Council, subject to the approval of the qualified electors of the Annexed Territory, to annex territory to the District and levy a Special Tax within the Annexed Territory. Specifically, upon such approval the Council shall levy the Special Tax upon the Annexed Territory.

(b) The rate, method of apportionment, and manner of collection of the special tax, in sufficient detail to allow each landowner or resident within the Annexed Territory to estimate the maximum amount that he or she will have to pay, is described in EXHIBIT “A” hereto and by this reference incorporated herein.

(c) The Special Tax as apportioned to each parcel pursuant to EXHIBIT “A” is based on the cost of making the Facilities and Services available to each parcel of the Annexed Territory, or other reasonable basis, and is not based on or upon the ownership of real property.

(d) There is no ad valorem property tax currently being levied on property within the Annexed Territory for the exclusive purpose of making lease payments or paying principal or interest on any other indebtedness incurred to finance the construction of capital facilities which are the same as are to be provided by the Facilities to be financed by the Annexed Territory.

SECTION 7. A special election (the "Election") is hereby called as a mail ballot election on the proposition of levying the Special Tax within the Annexed Territory. This Council further directs that this Resolution shall constitute the notice of the Election on the above proposition. However, the giving of such notice is waived if the City Clerk shall receive unanimous consent to such waiver from the Landowners.

SECTION 8. It is hereby found that there were fewer than twelve registered voters registered to vote within the Annexed Territory on any one day during the ninety
days preceding the close of the protest hearing. Pursuant to Section 53326 of the Act, the vote shall be by the landowners of the Annexed Territory and each landowner who is the owner of record at the close of the Hearing, or the authorized representative thereof, shall have one vote for each acre or portion of an acre of land that he or she owns within the Annexed Territory. The number of votes to be voted by a particular landowner shall be specified on the ballot provided to that landowner.

SECTION 9. If the City Clerk shall have received appropriate waivers of time limits and other requirements pertaining to the conduct of the Election by each of the owners of land included in the Annexed Territory (collectively, the "Landowners") on or before Tuesday, the 19th day of March, 2002, the Election shall be held on that day, or on such earlier date on which the City Clerk shall have received such waivers and completed ballots. Otherwise, the Election shall be held on the first Tuesday after that date which is 90 days after the date on which this Resolution is adopted.

The Election shall be conducted by the City Clerk in the manner required by this Resolution, the Act and applicable laws. Receipt by the City Clerk of this Resolution, a certified map of sufficient scale and clarity to show the boundaries of the Annexed Territory and a sufficient description to allow the City Clerk to determine the boundaries of the Annexed Territory within three business days after the adoption of this Resolution shall be conclusively evidenced by the signature of the City Clerk on the certificate of adoption relating to this Resolution.

In accordance with Section 53326 of the Act, the ballots for the election shall be distributed by mail or by personal service by the City Clerk, with return postage prepaid, to each Landowner, or Landowner’s authorized representative for the purpose of voting its interests at the special election, within the Annexed Territory. The City Clerk shall certify the proper mailing or service of ballots by an affidavit, which shall constitute conclusive proof of mailing or service in the absence of fraud. The voted ballots shall be returned to the City Clerk in person or by mail, courier, messenger or other means of delivery not later than 7:00 p.m. on the day of the Election.

SECTION 10. Unless waived with the unanimous consent of all the Landowners, there shall be prepared and included in the ballot material provided to each voter an impartial analysis pursuant to Section 5011 of the California Elections Code (the
"Elections Code") and arguments and rebuttals, if any, pursuant to Sections 5012 to 5016, inclusive, and 5025 of the Elections Code.

SECTION 11. The Annexed Territory shall constitute a single election precinct for the purpose of holding the Election.

SECTION 12. The City Clerk is hereby authorized to take any and all steps necessary for the holding of the Election. The City Clerk shall perform and render all services and proceedings incidental to and connected with the Election. These services shall include, but not be limited to, the following activities as are appropriate to the Election:

1. Cause to be printed the requisite number of official ballots, tally sheets and other necessary forms;
2. Furnish and address to mail or personally deliver the official ballots to the qualified electors of the Annexed Territory;
3. Cause the official ballots to be mailed or personally delivered, as required by law;
4. Receive the returns of the Election and supplies;
5. Sort and assemble the election material and supplies in preparation for the canvassing of the returns;
6. Canvass the returns of the Election;
7. Furnish a tabulation of the number of votes given in the Election;
8. Make all arrangements and take the necessary steps to pay all costs of the election incurred as a result of services performed for the Annexed Territory and pay costs and expenses of all election officials; and
9. Conduct and handle all other matters relating to the proceedings and conduct of the Election in the manner and form as required by law.

SECTION 13. Following the Election the City Clerk shall present a report to the City Council with the Election results. The Council shall then make a determination as to whether two-thirds or more of the votes cast are in favor of levying the Special Tax within the Annexed Territory. If the Council determines that two-thirds or more of the votes cast are in favor of the Special Tax, this Council may levy the Special Tax in the Annexed Territory in the amount and for the purposes specified in the Resolution of Intention to Annex. The Special Tax may be levied in the Annexed Territory at the rate
and may be apportioned in the manner specified in the Resolution of Intention to Annex and in the attached EXHIBIT “A”.

SECTION 14. The City Clerk, in accordance with Sections 3114.5 and 3117.5 of the Streets and Highways Code, shall record an amendment to the Notice of Special Tax Lien originally recorded pursuant to Section 3114.5 of the California Streets and Highways Code in the office of the County Recorder of the County of Stanislaus as Document No. 96-0090915-00 on October 24, 1996.

The foregoing Resolution was passed and adopted at a regular meeting of the City Council of the City of Modesto held on the 12th day of March, 2002, Councilmember Friedman, 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, Friedman, Frohman, Serpa, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Smith

ATTEST: Conrad, Mayor Sabatino

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
EXHIBIT “A”
COMMUNITY FACILITIES DISTRICT
NO. 1996-1 (VILLAGE ONE)

CITY OF MODESTO
STANISLAUS COUNTY, CALIFORNIA

PUBLIC REPORT
MELLO-ROOS COMMUNITY FACILITIES ACT OF 1982

AMENDED APRIL 1997
FOR
ANNEXATION NO. 1

Prepared by:

VAIL ENGINEERING CORPORATION
2033 Howe Ave., Ste. 220
Sacramento, CA 95825
(916) 929-3323
(916) 929-1772 FAX
# COMMUNITY FACILITIES DISTRICT NO. 199-1 (VILLAGE ONE)
## PUBLIC REPORT - MELLO-ROOS COMMUNITY FACILITIES ACT OF 1982

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INTRODUCTION

WHEREAS, City Council of the City of Modesto did, pursuant to the provisions of the “Mello-Roos Community Facilities Act of 1982”, being Chapter 2.5, Part 1, Division 2, Title 5 of the Government Code of the State of California, and specifically Section 53321.5 thereof, expressly order the filing of a written “Report” with the City for a proposed Community Facilities District. This Community Facilities District shall hereinafter be referred to as:

Community Facilities District No. 1996-1 (Village One).

(Hereinafter referred to as the “District”) and

WHEREAS, the Resolution ordering said “Report” did direct that said “Report” generally contain the following:

(1) A description of the public capital facilities and services proposed for the District;

(2) A general description of the area to be served by said facilities; said areas being the boundaries of the District;

(3) A cost estimate, setting forth the costs and expenses for providing the public facilities and services to the properties within the boundaries of the District and the costs of any incidental expenses to be paid by the District;

(4) The rate and method of apportionment of the special tax in sufficient detail to allow each landowner or resident within the proposed District to estimate the annual amount of payment;

(5) General Terms and conditions relating to the proceedings.

For particulars, references is made to the Resolution of Intention ordering the report, as previously approved and adopted.

NOW, THEREFORE, I, Jerry L. Slinkard, P.E., authorized representative for Vail Engineering Corporation, the appointed responsible officer or person directed to prepare the Report, pursuant to the provisions of the “Mello-Roos Community Facilities Act of 1982”, being Chapter 2.5, Part 1, Division 2, Title 5 of the Government Code of the State of California, do hereby submit the following data:
COMMUNITY FACILITIES DISTRICT NO. 1996-1 (VILLAGE ONE)
CITY OF MODESTO, STANISLAUS COUNTY, CALIFORNIA

PUBLIC REPORT
MELLO-ROOS COMMUNITY FACILITIES ACT OF 1982

I. DESCRIPTION OF FACILITIES

All facilities described herein are as presented in the Village One Facilities Master Plan adopted June 1996. Said master plan is incorporated herein by reference. The following descriptions summarize the facilities to be funded within the CFD 1996-1.

A. ARTERIAL ROADS

The circulation plan for Village One consists of six major streets (four arterials and two expressways). For the purpose of this document, all six roadways are referred to as arterial roads. Urban interchanges are not included in the Village One Finance Plan. It is anticipated that subsequent updates to the Capital Facilities Fee Program will include urban interchanges. Refer to the Facilities Master Plan for right-of-way widths along arterial roads. The arterial roads are:

- **Claus Road (Expressway):** Briggsmore to AT and SF railroad, widen to six-lane expressway.

- **Briggsmore (Expressway):** Oakdale Road to Claus Road, widen to six-lane expressway.

- **Sylvan Avenue:** Oakdale Road to Roselle Avenue, widen to six lanes; Roselle Avenue to Clause Road, widen to four lanes plus bike lanes.

- **Floyd Avenue:** Oakdale Road to Claus Road, widen to four lanes plus bike lanes and parking.

- **Oakdale Road:** Briggsmore to Sylvan, widen to six lanes.

- **Roselle Avenue:** Briggsmore to Sylvan, widen to four lanes plus bike lanes.
B. STORM DRAINAGE SYSTEM

The storm drainage system for Village One consists of three basins for detention and retention:

1. West Basin (9.56 acres): Retention with pump out facilities to Central Basin.

2. Central Basin (15.59): Percolation with pump out facilities to Claus Road Storm Drain with ultimate discharge to Dry Creek.

3. Industrial Basin (8 acres): Percolation with pump out facilities to Claus Road Storm Drain with ultimate discharge to Dry Creek.

The facilities to be funded in CFD 1996-1 include: basins, land for basins, trunk gravity, drainage pipes in sizes ranging from 24 inches in diameter to 72 inches in diameter, and force mains. A detailed description and location of facilities is contained in “Village One Facilities Master Plan” adopted June 1996 and incorporated herein by reference.

C. UTILITY RELOCATION

The cost of a PG&E high pressure gas main within Claus Road between Briggsmore Avenue and Sylvan Avenue is identified for relocation.

D. PARKS

Three neighborhood parks and one community park will be developed within CFD 1996-1. The development of the parks will include the acquisition of land, park improvements, and street frontage improvements for:

<table>
<thead>
<tr>
<th>Park</th>
<th>Acres</th>
</tr>
</thead>
<tbody>
<tr>
<td>Community Park</td>
<td>39</td>
</tr>
<tr>
<td>Roselle Neighborhood Park</td>
<td>7</td>
</tr>
<tr>
<td>Claus Neighborhood Park</td>
<td>7</td>
</tr>
<tr>
<td>Merle Neighborhood Park</td>
<td>8</td>
</tr>
</tbody>
</table>

In addition, 21.3 acres of buffer land for the community park is to be acquired, a bike trail is to be developed along M.I.D. Lateral No. 3, and a trail is to be developed along Claus Road.
E. PUBLIC FACILITIES

An area office for police is proposed within Village One. Funds are provided within CFD 1996-1 for tenant improvements necessary to set up an area office.

F. OTHER

Other costs associated with Village One include reimbursement to the City of Modesto for engineering of the Facilities Master Plan and planning related to the Village One Specific Plan, future annual administration costs for the CFD, and community signage for Village One.

G. OPERATIONS AND MAINTENANCE OF PARKS, TRAILS, AND STREET PARKWAYS*

The City will maintain the community park, Roselle Park, Claus Park, Merle Park, and arterial road parkways landscaping in a "good standard of maintenance" as defined by the Parks Department. M.I.D. Trail and Claus Trail will be maintained as Class I trails.

*Street parkways includes median and roadside landscape and hardscape.
II. BOUNDARIES OF COMMUNITY FACILITIES DISTRICT ANNEXATION NO. 1

The maps located at the end of the report includes land within Village One that will be annexed to and contained within Community Facilities District 1996-1 (Village One) Annexation No. 1.
III. COST ESTIMATES

A. CAPITAL COSTS FOR FACILITIES SPECIAL TAX

The capital costs for CFD 1996-1 (Village One) Annexation No. 1 amended April, 1997, as estimated in the Village One Facilities Master Plan adopted June 1996, and as shown on page 28 of the Village One Finance Plan, is $48,457,856. This figure is based upon 1996 costs as set forth in the adopted Facilities Master Plan for Village One. These costs are subject to an annual inflation adjustment based upon the Engineering News Record Cost Index for the San Francisco region. A breakdown of these costs are as follows:

<table>
<thead>
<tr>
<th>Description</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arterial Roads</td>
<td>$20,509,278</td>
</tr>
<tr>
<td>Storm Drainage</td>
<td>$13,240,470</td>
</tr>
<tr>
<td>Utility Relocation</td>
<td>$1,120,458</td>
</tr>
<tr>
<td>Parks</td>
<td>$10,863,967</td>
</tr>
<tr>
<td>Public Facilities</td>
<td>$25,000</td>
</tr>
<tr>
<td>Other</td>
<td>$2,698,683</td>
</tr>
<tr>
<td><strong>Subtotal:</strong></td>
<td><strong>$48,457,856</strong></td>
</tr>
<tr>
<td>Annual CFD Administration (1%)</td>
<td>$484,579</td>
</tr>
</tbody>
</table>

In addition to the capital costs, an annual cost to administer the CFD is estimated at 1% of the capital costs, or $484,579 over the life of the district.

Total district with administration is: $48,942,435
B. OPERATIONS AND MAINTENANCE COSTS FOR MAINTENANCE SPECIAL TAX

Estimated annual cost to the CFD at full buildout of Village One in 1996 dollars to provide operations and maintenance (O&M) of parks, street/parkway, and pathways (including landscaping) is $850,000. A breakdown of these annual O&M costs are:

Annual maintenance cost at buildout in 1996 dollars:

- Community Park and three (3) neighborhood parks ............... $149,073
- Street/Parkways: 1,500,000 sq. ft. x $0.417 / sq. ft. ........... $625,500
- Pathway Landscaping: Subtotal Paths ................. $44,965
  - Class I: 17,889 / 5,280 x $4,020 = $71,560
  - Class II: 82,388 / 5,280 x $1,500 = $234,405
  - Class III: 84,480 / 5,280 x $500 = $80,000
- Weed and Litter Abatement .................................... $4,251
- Misc. Annual Admin/Cont (3%) ................................ $26,221
  Total Annual Cost: $850,000

Total annual costs at "good" standard for all neighborhood and community parks in 1996 dollars is $708,676. The amount attributed to the Village One CFD is $149,073.
IV. RATE AND METHOD (By David Taussig and Associates)

A special tax applicable to each Assessor's Parcel in Community Facilities District No. 1996-1 (herein "CFD No. 1996-1") shall be levied and collected according to the tax liability determined by the City Council of the City of Modesto, through the application of the appropriate amount or rate for Taxable Property, as described below. All of the property in CFD No. 1996-1, unless exempted by law or by the provisions of Section E below, shall be taxed for the purposes, to the extent, and in the manner herein provided, including property subsequently annexed to CFD No. 1996-1 unless a separate Rate and Method of Apportionment of Special Tax is adopted for the annexation area.

A. DEFINITIONS

The terms hereinafter set forth have the following meanings:

"Acre or Acreage" means the land area of an Assessor's Parcel as shown on an Assessor's Parcel Map, or if the land area is not shown on an Assessor's Parcel Map, the land area shown on the applicable Final Subdivision Map, parcel map, or other recorded County parcel map.

"Annual Maintenance Special Tax" means a Special Tax levied in any Fiscal Year to pay for the operations and maintenance of parks, street landscaping pathways, weed and litter abatement, and miscellaneous annual administrative and contractual costs.

"Assessor's Parcel" means a lot or parcel shown in an Assessor's Parcel Map with an assigned Assessor's Parcel number.

"Assessor's Parcel Map" means an official map of the County Assessor of the County of Stanislaus designating parcels by Assessor's Parcel Number.

"City" means the City of Modesto.

"City Manager" means the City Manager of the City of Modesto.

"Commercial Property" means all Parcels of Developed Property for which a building permit has been issued for a commercial establishment which sells general merchandise, hard goods, personal and professional services, and other items directly to consumers, including but not limited to travel agencies, hardware stores, food stores, automotive dealers, service stations, home furnishing stores,
restaurants, banks, repair shops, movie theaters, day care centers, and art galleries. In addition, all professional office space, including company headquarters, medical office buildings, and other such buildings, will be defined as Commercial Property.

"Council" means the City Council of the City of Modesto, acting as the legislative body of CFD No. 1996-1.

"Developed Property" means, in any Fiscal Year, all Taxable Property for which a building permit for new construction was issued prior to March 1 of the preceding Fiscal Year or for which a Final Subdivision Map was recorded prior to March 1 of the preceding Fiscal Year creating individual lots for which a building permit may be issued without further subdivision.

"Facilities Special Tax" means a Special Tax levied in any Fiscal Year to pay for public facilities authorized to be funded by CFD No. 1996-1, including appurtenant expenses such as planning, design, engineering, inspection and financing costs.

"Final Subdivision Map" means a final subdivision map, or portion thereof, approved by the City pursuant to the Subdivision Map Act (California Government Code Section 66410 et seq.) that creates individual lots for which building permits may be issued. The term "Final Subdivision Map" shall not include any Assessor's Parcel Map or subdivision map or portion thereof, that does not create individual lots for which a building permit may be issued, including Assessor's Parcels that are designated as a remainder parcel.

"Fiscal Year" means the period starting July 1 and ending on the following June 30.

"Gross Acreage" means, for Developed Property, the total acreage within the Final Subdivision Map or Parcel map less arterial road right-of-ways (as defined and identified in the Village One Specific Plan #8, the Village One Financing Plan and CFD Public Report) and property that is identified in the Final Subdivision Map for use as a park site, school site, or storm drainage basin. For Undeveloped Property, Gross Acreage means the acreage identified on the Assessor's Map.

"Industrial Property" means all Parcels of Developed Property for which a building permit has been issued for a non-residential structure that is not Commercial Property.

"Land Use Class" means any of the five classes listed in Table 1 and Table 2 below.
"Maintenance Special Tax Requirement" means the amount necessary in any Fiscal Year (i) to pay for authorized maintenance expenses, (ii) to pay administrative expenses of CFD No. 1996-1, and (iii) to cure any delinquencies in the payment of Annual Maintenance Special Taxes levied in prior Fiscal Years or (based on delinquencies in the payment of Special Taxes which have already taken place) are expected to occur in the Fiscal Year in which the tax will be collected.

"Maximum Special Tax" means the maximum Special Tax, determined in accordance with Section C below, that can be levied by the City in any Fiscal Year on Taxable Property.

"Multi-Family Residential" means any residential structure consisting of two or more residential units that share common walls including, but not limited to, townhomes, condominiums, duplexes, triplexes, fourplexes, apartment units, including senior housing that fits within the aforementioned description.

"Other Property" means any Parcel of Developed Property for which a building permit has been issued for a use other than Very Low Density Residential, Village Residential, Multi-Family Residential, Commercial or Industrial Property.

"Other Undeveloped Property" means all Taxable Property that is not classified as Developed Property, Undeveloped Commercial Property, Undeveloped Industrial Property or Undeveloped Residential Property.

"Public Agency" means the federal government, State of California or other local governments or public agencies.

"Subdivided Property" means all Parcels which, after recordation of a Final Subdivision Map, are in their final configuration and for which building permits may be issued. Subdivided Property shall not include any Assessor's Parcels that are not individual lots for which a building permit may be issued, including Assessor's Parcels that are designated as a remainder parcel.

"Undeveloped Commercial Property" means any Parcel that is not Developed Property that is anticipated to be developed as Commercial Property, as determined first by reference to the Village One Specific Plan and, second, by reference to the Parcel's zoning designation.

"Undeveloped Industrial Property" means any Parcel that is not Developed Property that is anticipated to be developed as Industrial Property, as determined first by
reference to the Village One Specific Plan and, second, by reference to the Parcel's zoning designation.

"Undeveloped Residential Property" means any Parcel that is not Developed Property that is anticipated to be further subdivided and developed as Very Low Density Residential, Village Residential or Multi-Family Residential Property, as determined first by reference to the Village One Specific Plan and, second, by reference to the Parcel's zoning designation.

"Very Low Density Residential" means a residential structure consisting of only one residential unit on a Parcel with a maximum density of two or less dwelling units per gross acre.

"Village One Facilities Master Plan" means the facilities master plan for development Village One adopted in June 1996, and as may be amended in the future.

"Village One Specific Plan" means the Specific Plan for development in Village One of the City of Modesto, as adopted by the City Council and as amended in future years.

"Village Residential" means a residential structure consisting of only one residential unit on a Parcel with a maximum density greater than two dwelling units per gross acre.

B. ASSIGNMENT TO LAND USE CLASS

After issuance of a building permit and prior to final building permit inspection or issuance of a certificate of occupancy for a Parcel in CFD No. 1996-1, the Parcel shall be assigned to the appropriate Land Use Class based upon the land use and density proposed for the Parcel. For Multi-Family Residential Property, the number of residential units shall be determined by referencing the condominium plan, apartment plan, site plan or other development plan. If the Parcel is designated as Other Property, the City or its designee shall identify the appropriate Land Use Class for purposes of calculating the Maximum Special Tax by determining the land use that was anticipated for the Parcel based on reference to the current Village One Specific Plan. Determination of the appropriate Land Use Class shall be at the sole discretion of the City.
C. MAXIMUM SPECIAL TAX

1. Facilities Special Tax

a) Very Low Density Residential Property and Village Residential Property

Prior to recordation of each Final Map for property in CFD No. 1996-1, the City or its designee shall determine the Gross Acreage included within the Final Map and, for Very Low Density Residential Property and Village Residential Property, shall apply the following steps to determine the actual Maximum Special Tax that will apply to each unit within the Final Map:

Step 1: Determine if there is a portion of the Final Subdivision Map acreage that is not Subdivided Property, as defined in Section A above. Calculate the Gross Acreage associated with such unsubdivided Parcels by identifying the acreage of the Parcel and (i) adding all or a portion of the acreage of any non-arterial right-of-way that fronts the Parcel determined by drawing lines at right angles to the right-of-way to either: 1) the centerline, if acreage within the final map fronts on both sides of the non-arterial road or, 2) the opposite right-of-way line if there is no fronting acreage within the final map or on the opposite side of the non-arterial road, and (ii) subtracting of the acreage of any arterial right-of-way included in the final map.

Step 2: Identify the Land Use Class that applies to all Parcels of Subdivided Property within the Final Subdivision Map.

Step 3: Determine the Gross Acreage of all Subdivided Property included within the Final Subdivision Map. If more than one Land Use Class is represented within the Final Subdivision Map, distribute the Gross Acreage of all Subdivided Property to each Land Use Class.
Step 4: Multiply the Gross Acreage for each Land Use Class determined in Step 3 by the Facilities Special Tax identified for each Land Use Class in Table 1 below.

Step 5: Separately for each Land Use Class identified in the Final Subdivision Map, divide the product determined in Step 4 by the number of residential units within that Land Use Class as reflected in the Final Subdivision Map.

Step 6: Multiply the quotient(s) determined in Step 5 by 1.01 to calculate the Facilities Special Tax per residential unit that shall be collected prior to final building permit inspection or issuance of a certificate of occupancy, whichever occurs first.

b) Multi-Family Residential Property, Commercial Property, and Industrial Property

The Maximum Facilities Special Tax for Multi-Family Residential, Commercial and Industrial Property shall be determined as follows:

Step 1: Determine the Gross Acreage of the Multi-Family Residential, Commercial, or Industrial Property within the Final Subdivision Map. Such determination shall include netting out any property within the Final Subdivision Map that is not Subdivided Property, as set forth in Step 1 of Section C.1.a, above.

Step 2: Multiply the Gross Acreage determined in Step 1 by the Maximum Facilities Special Tax applicable to each Land Use Class as shown in Table 1 below.

Step 3: Multiply the product determined in Step 2 above by 1.01 to calculate the total Facilities Special Tax that shall be collected from Multi-Family Residential, Commercial or Industrial Property prior to final building permit inspection or issuance of a certificate of occupancy, whichever occurs first.
Table 1
Per-Acre Special Tax to be Used in Calculation of Maximum Facilities Special Tax For Annexation Area No. 1 (Fiscal Year 1996-97)

<table>
<thead>
<tr>
<th>Land Use Class</th>
<th>Description</th>
<th>Per-Acre Special Tax</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Very Low Density Residential</td>
<td>$19,715 per Gross Acre</td>
</tr>
<tr>
<td>2</td>
<td>Village Residential</td>
<td>$29,479 per Gross Acre</td>
</tr>
<tr>
<td>3</td>
<td>Multi-Family Residential</td>
<td>$76,394 per Gross Acre</td>
</tr>
<tr>
<td>4</td>
<td>Commercial</td>
<td>$86,610 per Gross Acre</td>
</tr>
<tr>
<td>5</td>
<td>Industrial</td>
<td>$40,564 per Gross Acre</td>
</tr>
</tbody>
</table>

Beginning in January 1997, the Facilities Special Tax shall be adjusted annually by applying the greater of (i) the construction cost index for the San Francisco region for the prior twelve (12) month period as published in the Engineering News Record or other comparable source if the Engineering News Record is discontinued or otherwise not available, or (ii) four percent (4.0%). Each annual adjustment of the Facilities Special Tax shall become effective on the subsequent July 1, and shall apply to all Parcels which have not paid the Facilities Special Tax prior to July 1.

The Facilities Special Tax represents a lien on each Parcel which is anticipated to be released upon payment of the Facilities Special Tax, which is expected to occur no later than final building permit inspection or issuance of a certificate of occupancy, whichever occurs first.

2. Maintenance Special Tax

All Taxable Property within this CFD Annexation No. 1 shall be subject to a Maintenance Special Tax that shall be levied each Fiscal Year to meet the Maintenance Special Tax Requirement. The Annual Maintenance Special Tax shall be reflected as an annual lien on each Parcel in CFD No. 1996-1 and is anticipated to stay with the property and be paid each year by the current homeowner or property owner.
a) Developed Property

The following maximum rates apply to all Parcels of Developed Property within CFD No. 1996-1 for each Fiscal Year in which the Maintenance Special Tax will be levied:

<table>
<thead>
<tr>
<th>Land Use Class</th>
<th>Description</th>
<th>Maximum Annual Maintenance Special Tax</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Very Low Density Residential</td>
<td>$112.43 per lot</td>
</tr>
<tr>
<td>2</td>
<td>Village Residential</td>
<td>$112.43 per lot</td>
</tr>
<tr>
<td>3</td>
<td>Multi-Family Residential</td>
<td>$72.99 per unit</td>
</tr>
<tr>
<td>4</td>
<td>Commercial</td>
<td>$394.30 per Gross Acre</td>
</tr>
<tr>
<td>5</td>
<td>Industrial</td>
<td>$394.30 per Gross Acre</td>
</tr>
</tbody>
</table>

Beginning in January 1997, the maximum Annual Maintenance Special Tax shall be adjusted annually by applying the greater of (i) the construction cost index for the San Francisco region for the prior twelve (12) month period as published in the Engineering News Record or other comparable source if the Engineering News Record is discontinued or otherwise not available, or (ii) four percent (4.0%). Each annual adjustment of the maximum Annual Maintenance Special Tax shall become effective on the subsequent July 1.

b) Undeveloped Property

Undeveloped Residential Property:

The maximum Annual Maintenance Special Tax for each Parcel of Residential Undeveloped Property shall be determined as follows:

Step 1: Determine whether the Parcel will be developed as Very Low Density Residential, Village Residential or Multi-Family Residential Property determined by reference to the Village One Specific Plan.
Step 2: Multiply the average density for the Parcel's Land Use Class as determined in Step 1 by the Gross Acreage of the Parcel to determine the average number of units that could be built on the Parcel. The average density for each Land Use Class shall be determined based on reference to the Village One Specific Plan.

Step 3: Multiply the average number of units for the Parcel as determined in Step 2 by the maximum Annual Maintenance Special Tax for the appropriate Land Use Class, as determined by reference to Table 2.

Step 4: Multiply the figure calculated in Step 3 by 0.50 to determine the total Maintenance Special Tax to be levied on the Parcel.

Undeveloped Commercial and Undeveloped Industrial Property:

The maximum annual Maintenance Special Tax that can be levied on Undeveloped Commercial and Undeveloped Industrial Property is the same as those rates identified in Table 2 above for Developed Commercial or Industrial Property.

D. METHOD OF LEVY AND COLLECTION OF THE SPECIAL TAX

1. Facilities Special Tax

The Facilities Special Tax shall be collected prior to a final building permit inspection being completed or a certificate of occupancy being issued for new construction for any residential or non-residential structure within CFD No. 1996-1 and shall be immediately delinquent if not so paid.
2. **Maintenance Special Tax**

Commencing with Fiscal Year 1997-98 and for each following Fiscal Year, the City or its designee shall determine the Maintenance Special Tax Requirement to be collected from Taxable Property in CFD No. 1996-1 in the Fiscal Year. The Maintenance Special Tax shall then be levied as follows:

**Step 1:** Calculate the total Maintenance Special Tax revenues that could be collected from Developed and Undeveloped Property within the CFD based on application of the maximum Annual Maintenance Special Tax rates determined pursuant to Section C above.

**Step 2:** Divide the Maintenance Special Tax Requirement by the maximum revenues that could be collected as determined in Step 1.

**Step 3:** If the ratio determined in Step 2 is greater than or equal to 1, levy the Maximum Maintenance Special Tax determined pursuant to Section C on all Developed and Undeveloped Property in the CFD. If the ratio determined in Step 2 is less than 1, continue to Step 4.

**Step 4:** Levy the maximum Annual Maintenance Special Tax against all Parcels of Developed Property. Subtract the amount generated from Developed Property from the Maintenance Special Tax Requirement, and levy a Maintenance Special Tax on all Parcels of Undeveloped Residential, Undeveloped Commercial and Undeveloped Industrial Property in equal percentages up to 100% of the maximum Annual Maintenance Special Tax for Undeveloped Property determined pursuant to Section C.2.b. above.

The Annual Maintenance Special Tax for CFD No. 1996-1 shall be collected in the same manner and at the same time as ordinary ad valorem property taxes, provided, however, that CFD No. 1996-1 may (under the authority of Government Code Section 53340), in any particular case, bill the taxes directly to the property owner, off the County tax roll, and the Special Taxes will be equally subject to foreclosure if delinquent as annual Special Taxes.
E. LIMITATIONS

Notwithstanding any other provision of this Rate and Method of Apportionment of Special Tax, no Special Taxes shall be levied on structures built on land that has been conveyed to a Public Agency, except as otherwise provided in Sections 53317.3 and 53317.5 of the Mello-Roos Community Facilities Act of 1982.

F. ENFORCEMENT

All delinquent Facility Special Taxes, or delinquent Maintenance Special Taxes billed off the County tax roll, shall be subject to an immediate 10% penalty plus interest charges of 1 1/2% as of the first day of the month after the delinquency date and on the first day of each month thereafter. Any such delinquent Special Taxes shall, at the City’s discretion, be placed on the next secured property tax roll. The amount placed on the roll shall include the 10% penalty and the interest charges through the following December 1. This shall not prevent the City from simultaneously pursuing the delinquency by an action on a contract or guarantee against a third party who promised to pay the taxes, or from assigning such right of action to the property owner or other appropriate party.
V. GENERAL TERMS AND CONDITIONS

A. SUBSTITUTION FACILITIES

The description of the general capital facilities, as set forth herein and as shown in the Facilities Master Plan, are conceptual in their nature. The final nature and location of improvements and facilities will be determined upon the preparation of final plans and specifications. The final plans may show substitutes, in lieu or modifications to the proposed work in order to accomplish the work of improvement, and any such substitution shall not be a change or modification in the proceedings as long as the facilities provide a service substantially similar to that as set forth in this report.

B. APPEALS AND INTERPRETATION PROCEDURE

Any landowner or resident who feels that the amount of formula of the special tax is in error may file a notice with the legislative body appealing the levy of the special tax. An appeals panel of three members, as appointed by the legislative body, will then meet and promptly review the appeal, and if necessary, meet with the applicant. If the findings of the Appeals Board verify that the tax should be modified or changed, a recommendation at that time will be made to the legislative body, as appropriate, the special tax levy shall be corrected, and if applicable, in any case, a refund shall be granted.

Interpretations may be made by the legislative body by Resolution for purposes of clarifying any vagueness or ambiguity as it relates to any category, zone, rate or definition applicable to these proceedings.

C. ADMINISTRATION OF FUNDS

1. Facilities Fund

All funds received from the payment of the one-time facilities special tax shall be maintained in a single facilities fund account. This account shall apportion the funds into the facilities categories as shown on page 43 of the "City of Modesto Village One Finance Plan" as adopted by the City Council in Resolution No. 96-463 dated August 13, 1996, or as said ordinance may be amended. The City has full discretion in the use of the funds for all authorized facilities within this pooled account. Accounting of the fund shall
track the use of funds to insure the ultimate distribution of funds at buildout are as proportioned in said Ordinance 96-463.

2. **Maintenance Fund**

All annual maintenance special taxes shall be maintained in a single account. Funds shall be utilized at the discretion of the City to fund authorized maintenance and administration services.
VI. CERTIFICATION

It is my opinion that the special tax rate and method of apportionment, as set forth, is fair and equitable, uniformly applied, and not discriminatory or arbitrary.

______________________________  _______________________
Jerry L. Slinkard               Date
Vail Engineering Corporation
MODESTO CITY COUNCIL
RESOLUTION NO. 2002-123

A RESOLUTION DIRECTING STAFF TO CONDUCT A RATE REVIEW AND COST OF SERVICES ANALYSIS TO DETERMINE THE FEASIBILITY AND IMPACTS OF CONSOLIDATING THE WATER RATES OF ZONE 1 AND ZONE 2 AND FOR CONSISTENCY PURPOSES CONDUCT A SIMILAR ANALYSIS FOR ZONE 3.

WHEREAS, a request has been filed with the City Clerk by Dr. Gregory C. Tesluk to eliminate the existing fire protection service charge for water customers in Zone 2, and
WHEREAS, the former Del Este Water Company (DEW) was acquired on July 7, 1995 by the City and the existing rate structure based on what was in place for the former Del Este customers at that time was adopted, and
WHEREAS, the existing City customers were designated as Zone 1, the former Del Este areas that were within or contiguous to the City limits and were receiving water from the surface water treatment plant were designated as Zone 2, and the remaining former Del Este areas became Zone 3, and
WHEREAS, Modesto City Council Resolution No. 95-324, adopted on June 27, 1995, established the original rate structure, including the Fire Protection Service charges, for former Del Este customers in both Zones 2 and 3, and
WHEREAS, Modesto City Council Resolution No. 96-302, adopted on June 4, 1996, modified the existing rate structure, including the Fire Protection Service charges, for former Del Este customers in Zone 3, and
WHEREAS, Modesto City Council Resolution No. 98-535, adopted on October 6, 1998, established the existing rate structure, including the Fire Protection Service charges, currently in place for former Del Este customers in both Zone 2 and Zone 3, and
WHEREAS, the existence of the Fire Protection Service fee in Zone 2 and Zone 3 is the result of DEW installing fire fighting water service upgrades to its commercial customers, prior to the City’s acquisition of DEW, and passing on the costs of those upgrades to the water users in those areas, and
WHEREAS, City staff recommends that a rate review and cost of services analysis be conducted to determine the feasibility and impacts of consolidating the water
rates of Zone 1 and Zone 2 and for consistency purposes conduct a similar analysis for Zone 3, and

WHEREAS, City staff recommends that until it can be determined that all of the costs for the fire fighting water service upgrades installed by DEW have been recovered, the existing Fire Protection Service charge levied to properties in both Zone 2 and Zone 3 of the former Del Este Water Company remain in place, and

WHEREAS, the Utility Services & Franchises Committee reviewed this proposal on January 23, 2002, and recommended it be sent to the City Council for consideration, and

WHEREAS, said matter was set for a public hearing of the City Council on March 12, 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,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby directs staff to conduct a rate review and cost of services analysis to determine the feasibility and impacts of consolidating the water rates of Zone 1 and Zone 2, and for consistency purposes further directs staff to conduct a similar analysis for Zone 3.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of March, 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, Friedman, Frohman, Serpa, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Smith

ATTEST: ____________
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By ____________
MICHAEL D. MILICH, City Attorney

03/12/02/E&T/I Bond -9-
MODESTO CITY COUNCIL
RESOLUTION NO. 2002-124

A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF CAROLYN FRASER FROM THE HUMAN RELATIONS COMMISSION EFFECTIVE MARCH 19, 2001

WHEREAS, CAROLYN FRASER was appointed a member of the Human Relations Commission on January 6, 1998; and
WHEREAS, CAROLYN FRASER has tendered her resignation from the Human Relations Commission, March 19, 2002; and
WHEREAS, CAROLYN FRASER has been a devoted and sincere public servant and has contributed greatly to our civic progress,
NOW, THEREFORE, BE IT RESOLVED that the resignation of CAROLYN FRASER from the Human Relations Commission be, and hereby is accepted with regret.
BE IT FURTHER RESOLVED that the Council of the City of Modesto, on its own behalf, and on behalf of the citizens of the City, hereby expresses its sincere appreciation to CAROLYN FRASER for her outstanding service to the community.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of March, 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, Friedman, Frohman, Serpa, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Smith

ATTEST: Jean Zahr, City Clerk

03/19/02/CMO/E Puckett
A RESOLUTION AUTHORIZING STAFF TO SOLICIT BIDS FOR THE PROJECT “BOWEN AVENUE ROUNDABOUTS”

WHEREAS, the City of Modesto installed temporary traffic roundabouts to calm traffic, improve safety and increase capacity at the intersections of Bowen Avenue with Phelps and Fremont Avenues over three years ago, and

WHEREAS, the Transportation Policy Committee considered and approved the design for permanent roundabouts on Bowen Avenue at its November 15, 2001, meeting, and

WHEREAS, staff has designed the permanent traffic roundabout for the Phelps Avenue intersection with Bowen Avenue per current City Standard dimensions, and

WHEREAS, staff has designed a modified roundabout standard for the Fremont Avenue intersection with Bowen Avenue that is acceptable to the Fire Department, and

WHEREAS, staff has completed preparation of plans, specifications and cost estimate for the “Bowen Avenue Roundabouts” project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that City staff is hereby authorized to solicit bids for the “Bowen Avenue Roundabouts” project.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of March, 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, Friedman, Frohman, Serpa, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Smith

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
A RESOLUTION ADOPTING PRIORITY CRITERION AND STANDARD SPECIFICATIONS FOR INSTALLATION OF LIGHTED CROSSWALKS FOR THE CITY OF MODESTO

WHEREAS, City staff has received several requests for installation of lighted crosswalks in the City of Modesto to provide enhanced pedestrian safety and providing warning to motorists of pedestrians in crosswalks, and

WHEREAS, the Transportation Policy Committee reviewed and recommended adopting priority criterion and standard specifications for installation of lighted crosswalks for the City of Modesto at their February 21, 2002 meeting,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves adopting the “Priority Criterion” and “Standard Specifications for Installation of Lighted Crosswalks” as the City Standard for the City of Modesto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of March 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, Friedman, Frohman, Serpa, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Smith

ATTEST: Jean Zahr, City Clerk

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2002-127

A RESOLUTION APPROVING AND AUTHORIZING SUBMISSION OF THE ANNUAL TRANSPORTATION CLAIM FOR FISCAL YEAR 2001/02, FOR NON-TRANSIT PURPOSES ONLY, TO THE STANISLAUS COUNCIL OF GOVERNMENTS (STANCOG)

WHEREAS, on May 22, 2001, the City Council approved the annual claim for Local Transportation Funds for transit purposes only, and

WHEREAS, on February 14, 2001, the Stanislaus Council of Governments (StanCOG) pursuant to Section 99401.6 of the California State Public Utility Codes has determined that there are no unmet transit needs or that there are no unmet transit needs that are reasonable to meet, and

WHEREAS, the StanCOG has informed the Finance Department that it has allocated Local Transportation Funds for use on local streets and roads pursuant to Sections 99400 and 99233.11 of the California State Public Utility Code, and

WHEREAS, the StanCOG has informed the Finance Department that it has allocated Local Transportation Funds for pedestrian and bicycle facilities uses pursuant to Sections 99233.3 and 99234 of the California State Public Utility Code, and

WHEREAS, the StanCOG has informed the Finance Department that the City of Modesto may claim $3,004,295 of Local Transportation Funds for street purposes, and $119,906 for pedestrian and bicycle projects, and

WHEREAS, Council action authorizing the claim is required by StanCOG pursuant to Section 99261 of the California State Public Utilities Code before any Local Transportation Fund funding can be released to the City of Modesto.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager, or his authorized designee, is hereby authorized to execute and submit the claim for apportionment of Local Transportation Development Funds to the Stanislaus Council of Governments (StanCOG) to obtain non-transit funds and supplemental non-transit revenue, and that the submission of the City's claim to the Stanislaus Council of Governments (StanCOG) in the amount of $3,124,101 for Fiscal Year 2001/02 is hereby approved.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of March, 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, Friedman, Frohman, Serpa, Mayor Sabatino

Noes: Council members: None

Absent: Council members: Smith

Attest: Jean Zahr, City Clerk

APPROVED AS TO FORM:

By

Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2002-128

A RESOLUTION APPROVING BUDGET AMENDMENTS TO UTILIZE
$443,000 OF UN-BUDGETED NON-TRANSIT FY2002 LOCAL
TRANSPORTATION FUNDS.

WHEREAS, on March 19, 2002, the City Council approved the annual claim for
Local Transportation Funds for non-transit purposes, and

WHEREAS, of the $3,124,101 funds claimed, $443,000 was a supplemental
allocation that was not budgeted in the City’s FY2001-2002 existing budget, and

WHEREAS, it is the Council intent that the $443,000 be programmed in
sufficient time to allow additional projects to be included in the 2002 Construction
season, and

WHEREAS, the Engineering department has identified six priority projects that
could utilize these funds in a timely manner and meet all requirements as defined in
Section 99402 of the State of California Public Utilities Code.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that the City Manager, or his authorized designee, is hereby authorized to amend both the
FY2001-2002 Capital Improvement and Maintenance budgets in the following manner to
use these Local Transportation Funds in a timely manner:

1. Establish a CIP project known as the McHenry Median Landscape Project and
appropriate $120,000 to that project;

2. Establish a Right of Way Acquisition reserve in the Fund Balance of Fund
0510 for $40,000 for future right of way projects. The appropriation of these
funds will require a council action;

3. Appropriate $40,000 to the Existing Bowen Roundabout CIP Project (0700-
160-H921);

4. Appropriate $72,000 to the City’s Existing Annual Pavement Management
Program. (0700-430-M141);

5. Appropriate $100,000 to the existing ATMS NE CIP Project (0700-160-L129);
and

6. Appropriate $71,000 to the City’s Current Sidewalk & Curb Maintenance
program. (0700-430-4725).
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of March, 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. Council members: Conrad, Fisher, Friedman, Frohman, Serpa, Mayor Sabatino

Noes: Council members: None

Absent: Council members: Smith

Attest: Jean Zahr, City Clerk

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2002-129


WHEREAS, this Council is conducting proceedings pertaining to the formation of the City’s Community Facilities District No. 2002-1 (the “District”), the establishment of an appropriations limit within the District, and the levy of a special tax sufficient to pay all costs necessary to finance certain Services as described in the City’s Resolution No. 2002-96, adopted February 26, 2002, and

WHEREAS, on March 6, 2002, an election was held within the District (the “Election”) relative to the foregoing, and

WHEREAS, the City Clerk has certified that at the Election the proposition of levying the special tax and establishing an appropriations limit within the District was approved by at least two-thirds (2/3) of the votes cast at the Election within the District, and

WHEREAS, the special tax may be levied without regard to property values or benefit pursuant to Chapter 3.5 of Part 1 of Division 2 of title 5 (commencing with Section 53311) of the California Government Code, commonly known as the “Mello-Roos Community Facilities Act of 1982” (the “Act”), and

WHEREAS, the City of Modesto has determined that the special tax complies with the provisions of Articles XIII C and XIII D of the California Constitution, and other laws pertaining to the levy of such special taxes,

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

1. The Election was duly and validly conducted in conformity with all applicable laws, rules and regulations pertaining thereto.

2. Based on the City Clerk’s certificate of election results, attached hereto as EXHIBIT A, the ballot proposition presented to the qualified electors of the District at the Election received at least two-thirds (2/3) of the votes cast at the Election.
3. The City Clerk of the City of Modesto is hereby directed to enter this resolution on the minutes of this City Council, which shall constitute the official declaration of the result of such election, and is hereby further authorized and directed to record a notice of special tax lien in accordance with the provisions of Section 3114.5 of the California Streets and Highways Code.

4. The levy and collection of the special tax within the District is herewith ordered for the 2001/2002 fiscal year, and in each subsequent fiscal year in which the special tax may validly be levied.

5. A certified copy of this resolution and any attached documentation shall be delivered to the Auditor-Controller of the County of Stanislaus for placement of such taxes on the 2002/2003 Stanislaus County tax roll, and in each subsequent fiscal year in which the special tax may validly be levied.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of March, 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, Friedman, Frohman, Serpa, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Smith

ATTEST: ________________________
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By ________________________
MICHAEL D. MILICH, City Attorney
EXHIBIT B

CERTIFICATE OF CITY CLERK

I, JEAN ZAHR, City Clerk of the City of Modesto, hereby certify that, pursuant to Resolution No. 2002-96, the Resolution of Formation, adopted on February 26, 2002 by the City Council of the City of Modesto, I did conduct a Special Tax Election for Community Facilities District No. 2002-1 on March 6, 2002, and that the election was conducted by mail or in person at the City Hall of Modesto.

I further certify that the following shows the full text of the measure submitted to the voters at the election and the full and true totals of all votes cast for and against the measure.

Proposition A. Shall an appropriations limit in the amount of $1,000,000 per fiscal year be established for Community Facilities District No. 2002-1 (the “District”) of the City of Modesto (“the City”), and shall a special tax with a maximum rate, method of apportionment, and manner of collection as provided in EXHIBIT B to the City’s Resolution No. 2002-96 (the “Resolution of Formation”) adopted by the City Council of the City of Modesto on February 26, 2002, which is incorporated herein by this reference, be levied within the District in order to finance certain public facilities and services as set forth in the Resolution of Formation, including any incidental expenses related thereto?

TOTAL VOTES CAST:  YES 59  NO 0

Dated: March 7, 2002

JEAN ZAHR
City Clerk of the City of Modesto
MODESTO CITY COUNCIL
RESOLUTION NO. 2002-130

A RESOLUTION AUTHORIZING THE PURCHASE OF STAGING FROM STAGERIGHT FOR A TOTAL COST OF $84,394.00.

WHEREAS, the Modesto Centre Plaza stage is fifteen years old and difficult to maintain due to a lack of availability of parts, and
WHEREAS, there has been a reduction in staging inventory due to extensive usage, that has limited the City’s ability to meet the desired needs of some concert tours, and
WHEREAS, Modesto Centre Plaza has completed a technical evaluation of staging and Completed site visits and has determined that StageRight’s product most closely fits the City’s needs, and
WHEREAS, during the initial evaluation process it was determined that StageRight’s pricing, presented the City with the best value, and
WHEREAS, the Purchasing Officer has determined that a process other than the formal bid procedures set forth in Section 8-3-204 of the Modesto Municipal Codes will result in a procurement for the City at the lowest possible cost commensurate with the desired quality,

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that purchase of the staging from StageRight is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of March, 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, Friedman, Frohman, Serpa, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Smith

ATTEST: Jean Zahr, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2002-131

A RESOLUTION AUTHORIZING THE PURCHASE OF A GRANULATED ACTIVATED CARBON (GAC) FROM CALGON CARBON FOR AN ESTIMATED ANNUAL COST OF $300,000.00.

WHEREAS, the Water Division of Operations and Maintenance Department has determined that there is a continued need for Granulated Activated Carbon at twenty (20) of the City’s well sites.

WHEREAS, the City of Fresno has authorized the City of Modesto to "piggyback" off of a competitively bid GAC contract (City of Fresno bid number 8311), and

WHEREAS, the City of Modesto has "piggybacked" with the City of Fresno on our GAC requirements for the previous five (5) years, and

WHEREAS, the Purchasing Officer has determined that a process other than the formal bid procedures set forth in Section 8-3.204 of the Modesto Municipal Code will result in a procurement for the City at the lowest possible cost commensurate with the desired quality,

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that purchase of the GAC requirements from Calgon Carbon is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of March, 2002, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES:       Councilmembers:  Conrad, Fisher, Friedman, Frohman, Serpa, Mayor Sabatino

NOES:       Councilmembers:  None

ABSENT:     Councilmembers:  Smith

APPROVED AS TO FORM:

By: Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2002-132

A RESOLUTION IMPLEMENTING CABLE TELEVISION CUSTOMER SERVICE REGULATIONS AND DECLARING THAT THE CITY WILL BEGIN ENFORCING THE FEDERAL CUSTOMER SERVICE REGULATIONS ON MAY 2, 2002

WHEREAS, the Federal Communications Commission ("FCC") has adopted regulations establishing customer service standards for the cable television industry (47 CFR §76.309), and

WHEREAS, the FCC regulations require the City to determine whether to enforce these regulations within the City and to give the cable television franchisee ninety (90) days notice of the City's intent to enforce the customer service regulations, and

WHEREAS, the Utilities Service and Franchises Committee considered customer service standards at a meeting held on February 11, 2002 and recommended enforcement of the standards to the City Council, and

WHEREAS, the City gave notice to AT&T of its intent to adopt and enforce the federal cable television customer service regulations on January 31, 2002, which is ninety (90) days prior to the effective date of the implementation of the customer service regulations, and

WHEREAS, by an agenda report to the City Council from the City Manager’s Office, dated February 19, 2002, a copy of which is on file in the Office of the City Clerk, City staff sets forth its recommendations, and

WHEREAS, said matter was set for a public hearing of the City Council to be held on March 19, 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.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves enforcement of the cable television customer service regulations contained in Title 47, Section 76.309 of the Code of Federal Regulations, as they exist today and as amended from time to time.
BE IT FURTHER RESOLVED by the Council of the City of Modesto that enforcement of Title 47, Section 76.309 of the Code of Federal Regulations shall commence within the City of Modesto on May 2, 2002.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of March, 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, Friedman, Frohman, Serpa, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Smith

ATTEST: ____________________________
          JEAN ZAHN, City Clerk

APPROVED AS TO FORM:

By ____________________________
          MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2002-133

A RESOLUTION ACCEPTING A FEDERAL SAFE ROUTES TO SCHOOL GRANT FOR $441,000 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE NECESSARY GRANT DOCUMENTS.

WHEREAS, on April 19, 2001, the City approved the submission of the Virginia Corridor Crossing Grant to the Federal Safe Route to Schools Grant Program, and
WHEREAS, the City has recently received notice that it was awarded the grant for $441,000 for crosswalk improvements on the proposed trail along Virginia Avenue between Needham Street and Brigsgmore Avenue, and
WHEREAS, local matching funds of $49,000 as required by this grant program have been identified in the Local Transportation Fund non-motorized reserve (0520-310-8002), and
WHEREAS, this grant will be used to provide sidewalks, curbs and gutters, street lights, and lighted crosswalks for the proposed Class I Bike trail along the Virginia Avenue Corridor between Needham Street and Brigsgmore Avenue,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the Federal Safe Route to School grant in the amount of $441,000.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of March, 2002, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Serpa, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa

NOES: Councilmembers: None

ABSENT: Councilmembers: Smith, Mayor Sabatino

ATTEST: JEAN ZAHN, City Clerk

(SEAL)

APPROVED AS TO FORM:
By  MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2002-134

A RESOLUTION AMENDING THE FISCAL YEAR 2001-02 CAPITAL IMPROVEMENT BUDGET ACCEPTING A FEDERAL SAFE ROUTES TO SCHOOL GRANT FOR $441,000, TRANSFERRING $49,000 FROM 0520-310-8002, LOCAL TRANSPORTATION FUND NON-MOTORIZED RESERVE, AND TO APPROPRIATE $490,000 TO A NEW CAPITAL IMPROVEMENT PROJECT FUND 0520-430-4320-3546, ENTITLED “VIRGINIA CORRIDOR CROSSINGS”

WHEREAS, on April 19, 2001, the City of Modesto Transportation Policy Committee authorized staff to submit an application for $441,000 in funding under the Federal Safe Routes to School Grant Program for the Virginia Corridor Crossings, and

WHEREAS, the City was awarded a grant of $441,000 from a Safe Routes to School grant, and

WHEREAS, said funds can be utilized for the Virginia Corridor crosswalk improvements on the proposed trail along Virginia Avenue between Needham Street and Briggsmore Avenue. These improvements will include the addition of sidewalks, curbs and gutters, street lights, and “lighted crosswalks,”

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Fiscal Year 2001-02 Capital Improvement Plan budget accepting a Federal Safe Routes to School grant for $441,000, transferring $49,000 from 0520-310-8002, Local Transportation Fund Non-Motorized reserve and to appropriate $490,000 to a new Capital Improvement Project fund 0520-430-4320-3546 entitled “Virginia Corridor Crossings.”
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of March, 2002, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Serpa, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa

NOES: Councilmembers: None

ABSENT: Councilmembers: Smith, Mayor Sabatino

ATTEST: Jean Zahr, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2002-135

A RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO
CONFIRMING THE CANVASS OF THE SECOND REGULAR MUNICIPAL
ELECTION WHICH WAS HELD IN THE CITY OF MODESTO ON MARCH 5,
2002, AND DECLARING THE RESULTS OF SAID ELECTIONS FOR
COUNCILMEMBERS (RUN-OFF ELECTION).

WHEREAS, the Charter of the City of Modesto provides that if no candidate for
an elective office of the City receives a majority vote at a regular municipal election, a
second Regular Municipal Election shall be held at which the two candidates receiving
the highest number of votes at the first election shall have their names on the ballot for
the election to the office, and

WHEREAS, at said Regular Municipal Election on November 6, 2001 a majority
vote was not cast for Councilmembers for Chair Nos. 2, 4, and 5, and

WHEREAS, the two candidates receiving the highest number of votes for
Councilmember Chair 2, Armour Smith and Janice Keating, Chair 4, William O’Bryant
and Daniel Hopkins, and Chair 5, Kenni Friedman and Denny Jackman, would have been
in a run-off election to be held on Tuesday December 11, 2001, and

WHEREAS, for the Run-Off Election scheduled for Tuesday, December 11,
2001, the Stanislaus County Elections Office experienced computer software and printer
failure, which caused them to be unable to mail ballots to approximately 6,800 plus
voters by the December 1, 2001 deadline, and

WHEREAS, at the request of the City Council the City Attorney filed an action in
the Superior Court to request the nullification of the Run-Off Election, which was granted
by Superior Court Judge Mayhew on December 6, 2001, and

WHEREAS, the City Council requested, and the Board of Supervisors approved
consolidation of a new Run-Off Election on March 5, 2002 in conjunction with the
Statewide Primary Election held on that date, and
WHEREAS, the Second Regular Municipal Election was held on Tuesday, March 5, 2002 consolidated with the Statewide Primary Election to elect a Councilmembers to Chair Nos. 2, 4, and 5 as mentioned above, and said election was held in accordance with law and the proceedings of this Council, and the votes thereat received and canvassed, and the returns thereof ascertained, determined and declared in all respects as required by law, and

WHEREAS, the City Clerk canvassed the returns of said Second Regular Municipal Election in accordance with law, and certified the results of the election to the Council by a Certificate of Canvass and Statement of Votes dated March 22, 2002, a copy of which is hereto marked EXHIBIT “A” and made a part hereof,

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

SECTION 1. Said Canvass by the City Clerk as shown on said Certificate of Canvass and Statement of Votes and the results of the election are hereby ratified, confirmed and approved.

SECTION 2. That in accordance with Section 10264 of the Elections Code, a copy of said Certificate of Canvass and Statement of Votes, which is attached hereto marked as EXHIBIT “A” and made a part hereof, shows a complete tabulation of the following:

(a) The whole number of votes cast in the city.
(b) The names of the persons voted for.
(c) The measures voted upon
(d) For what office each person was voted for.
(e) The number of votes given at each precinct to each person and for and against each measure.
(f) The number of votes given in the city to each person and for and against each measure.

SECTION 3. That, at said Second Regular Municipal Election as rescheduled pursuant to the order of the Stanislaus County Superior Court, the following named persons having received a majority of the votes cast for the elective offices, as designated on Exhibit “A”, are hereby declared to be duly and regularly elected to such office; and, the City Clerk is hereby directed to issue a Certificate of Election to each of said persons, certifying her/his election to the office appearing after his/her name, and to administer to
each of said persons the oath of office prescribed by the Constitution and laws of the
State of California, and the Charter of the City, to wit:

Janice Keating
Councilmember, for a term of four years,
Chair No. 2, Modesto City Council

William O’Bryant
Councilmember, for a term of four years,
Chair No. 4, Modesto City Council

Denny Jackman
Councilmember, for a term of four years,
Chair No. 5, Modesto City Council

The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 26th of March, 2002, by Councilmember Fisher, who
moved its adoption, which motion being duly seconded by Councilmember Friedman,
was upon roll call carried and the resolution adopted by the following vote:

AYES:
Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith
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
CERTIFICATE OF CANVASS
AND
STATEMENT OF VOTE
CITY OF MODESTO SECOND REGULAR MUNICIPAL ELECTION
March 5, 2002

I, Jean Zahr, City Clerk of the City of Modesto, do hereby certify that I caused the Stanislaus County Clerk’s Office, on March 22, 2002, to publicly canvass the returns of the City of Modesto Second Regular Municipal Election held on March 5, 2002, in accordance with Modesto City Council Resolution 67-36. The following are the results of said election:

<table>
<thead>
<tr>
<th>CANDIDATES</th>
<th>NUMBER OF VOTES</th>
<th>PERCENTAGE OF VOTE</th>
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</thead>
<tbody>
<tr>
<td>Chair 2, Modesto City Council</td>
<td></td>
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<tr>
<td>Janice Keating</td>
<td>18,105</td>
<td>57.4%</td>
</tr>
<tr>
<td>Armour Smith</td>
<td>13,418</td>
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<tr>
<td>Chair 4, Modesto City Council</td>
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<tr>
<td>William E. O’Bryant</td>
<td>17,485</td>
<td>56.2%</td>
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<tr>
<td>Dan Hopkins</td>
<td>13,626</td>
<td>43.8%</td>
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<tr>
<td>Chair 5, Modesto City Council</td>
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<tr>
<td>Denny Jackman</td>
<td>15,838</td>
<td>50.1%</td>
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<tr>
<td>Kenni Friedman</td>
<td>15,761</td>
<td>49.9%</td>
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VOTER TURNOUT:

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<tr>
<th></th>
<th>TOTAL REGISTERED VOTERS</th>
<th>TOTAL TURNOUT</th>
<th>TURNOUT PERCENTAGE</th>
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<tr>
<td>City of Modesto Council</td>
<td>82,057</td>
<td>33,636</td>
<td>40.9%</td>
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JEAN ZAHR
City Clerk/Auditor
City of Modesto

March 22, 2002
STATEMENT OF THE VOTE

OF

STANISLAUS COUNTY

STATE OF CALIFORNIA

-CAST AT THE-

CONSOLIDATED PRIMARY ELECTION

-Held-

TUESDAY, MARCH 5, 2002

State of California

ss

County of Stanislaus

I, PAUL BAXTER, Interim County Clerk-Recorder, of the above named county,
do hereby certify that the within is a true and correct statement of result of the votes cast in
this county at the Consolidated Primary Election as determined by the official canvass of
the returns of the said election.

Witness my hand and seal, this 22nd day of March, 2002.

PAUL BAXTER
Interim County Clerk-Recorder

BY Joyce Goudie
Assistant Registrar of Voters
## Consolidated Gubernatorial Primary Election - March 5, 2004

City of Modesto Council - Chair 2, 4, 5

<table>
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<tr>
<th>County</th>
<th>Registered Voters</th>
<th>Turnout</th>
<th>Percent</th>
<th>Modesto, City Council 2</th>
<th>Modesto, City Council 4</th>
<th>Modesto, City Council 5</th>
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**TOTALS**

82057 33636 40.5% 18105 13418 17485 13626 15838 15761
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<th>Consolidated Gubernatorial Primary Election - March 5, 2002 - Stanislaus County Official Results</th>
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City Of Ceres: 0 0 0.0% 0 0 0 0 0 0
City Of Hughson: 0 0 0.0% 0 0 0 0 0 0
City Of Modesto: 82057 33636 40.2% 18105 13418 17485 13629 15838 15761
City Of Newman: 0 0 0.0% 0 0 0 0 0 0
City Of Oakdale: 0 0 0.0% 0 0 0 0 0 0
City Of Patterson: 0 0 0.0% 0 0 0 0 0 0
City Of Riverbank: 0 0 0.0% 0 0 0 0 0 0
City Of Turlock: 0 0 0.0% 0 0 0 0 0 0
City Of Waterford: 0 0 0.0% 0 0 0 0 0 0
Unincorporated Area: 0 0 0.0% 0 0 0 0 0 0

Vote At The Polls: 82057 17729 20.9% 9349 6708 8680 7198 8051 8042
Vote By Absentee Ballot: 0 16407 0.0% 8756 6710 8805 6428 7767 7719
**Total Vote**: 82057 33636 40.2% 18105 13418 17485 13629 15838 15761
MODESTO CITY COUNCIL
RESOLUTION NO. 2002-136

A RESOLUTION FOR ACCEPTANCE OF LANDSCAPE AND IRRIGATION RELATED IMPROVEMENTS IN ATHERTON PLACE SUBDIVISION, IN THE VILLAGE ONE SPECIFIC PLAN AREA, AND AUTHORIZING RELEASE OF TRUST DEPOSIT

WHEREAS, City Council Resolution No. 2001-630, granted partial acceptance of subdivision improvements, with exception of landscaping and irrigation improvements, and

WHEREAS, John T. Verner and Kathleen M. Verner, and Edward A. Machado, submitted a Cashier’s Check as a trust deposit to secure faithful performance and payment for labor and materials associated with landscape and irrigation improvements in the amount of $261,095; and

WHEREAS, John T. Verner and Kathleen M. Verner, and Edward A. Machado, has filed a warranty bond in the amount of $211,500 to guarantee improvements in Atherton Place subdivision which includes these landscape and irrigation improvements; and

WHEREAS, the Engineering & Transportation Director, in a memorandum to Council, indicates that all landscape and irrigation 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 landscape and irrigation improvements in said subdivision as complete, and authorize the City Clerk to file notice of completion and release the trust deposit.

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

1. The landscape and irrigation improvements in Atherton Place Subdivision are hereby accepted.

2. The City Clerk is hereby authorized to release the trust deposit for faithful performance and payment for labor and materials in the amount of $261,095 upon recordation of the Notice of Completion.
3. The City Clerk is hereby authorized to release the warranty bond to guarantee improvements in the amount of $211,500 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 26th day of March, 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
MODESTO CITY COUNCIL
RESOLUTION NO. 2002-137

A RESOLUTION ACCEPTING THE BID OF SOUTHWEST RECREATIONAL IND., INC. FOR THE PROJECT TITLED "ROOSEVELT PARK TENNIS COURTS RENOVATION"

WHEREAS, the bids received for the Roosevelt Park Tennis Courts Renovation were opened at 11:00 a.m. on February 26, 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 $50,142.50 received from Southwest Recreational Ind., 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 Southwest Recreational Ind., 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 26th day of March, 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

03/05/02/E&T/Dean Phillips
MODESTO CITY COUNCIL
RESOLUTION NO. 2002-138

A RESOLUTION ACCEPTING THE PROJECT TITLED “PARK SITE RESTROOM CONSTRUCTION” AS COMPLETE

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled Park Site Restroom Construction, has been completed by Barham, Inc., in accordance with the contract agreement dated June 19, 2001.

NOW, THEREFORE, BE IT RESOLVED that the Park Site Restroom Construction project be accepted from said contractor, Barham, Inc., that the notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $184,860.00 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of March, 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

(SEAL)

APPROVED AS TO FORM:

By ____________________________________________

MICHAEL D. MILICH, City Attorney

03/06/2002/ E&T / T Parmer
A RESOLUTION AMENDING THE FISCAL YEAR 2001-02 ANNUAL BUDGET TO FULLY FUND THE PARK SITE RESTROOM CONSTRUCTION PROJECT

WHEREAS, on June 19, 2001, the City Council awarded a $177,062.00 contract to Barham, Inc. to install modular steel restrooms at Mildred Perkins, Floyd No. 2, Orchard, Robertson Road, Riverside and Bellenita Parks, and

WHEREAS, after contract award various items were charged against the project account that were not anticipated including (1) an electrical consultant contract, (2) a purchase order for lock installations, and (3) staff charges, and

WHEREAS, all of these charges were incurred prior to award but were not shown as expenditures against the project account at the time of award, and

WHEREAS, a shortage of funds occurred in the project account due to these charges as funds originally designated for the construction phase of the project were depleted by the charges, and

WHEREAS, the shortage resulted in additional funds being required to fully fund the project,

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the 2001-02 Annual Budget (1) to increase the appropriation in Account Number 1350-310-M179 (Neighborhood Parks Improvements) $9,000, and (2) to reduce the appropriation of reserves in Account Number 1350-800-8000-8003 (Parks CFF Reserves) $9,000.

BE IT FURTHER RESOLVED that the Finance Director is hereby authorized to take the necessary steps to implement the provisions of this resolution.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of March, 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

(SEAL)

APPROVED AS TO FORM:

By 
MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2002-140

A RESOLUTION AUTHORIZING THE PARKS, RECREATION AND NEIGHBORHOODS DEPARTMENT TO APPLY FOR GRANT FUNDS FOR THE PER CAPITA GRANT PROGRAM UNDER THE SAFE NEIGHBORHOOD PARKS, CLEAN WATER, CLEAN AIR AND COASTAL PROTECTION BOND ACT OF 2000, IN ORDER TO ENCUMBER $1,708,000 IN AFOREMENTIONED FUNDING

WHEREAS, the people of the State of California have enacted the Per Capita Grant Program which provides funds to meet the urgent need for safe, open and accessible local park and recreation facilities for increased recreational opportunities that provide positive alternatives to social problems, and

WHEREAS, the California Department of Parks and Recreation has been delegated the responsibility for the administration of the grant program, setting up necessary procedures, and

WHEREAS, said procedures established by the California Department of Parks and Recreation require the City of Modesto's City Council to certify by resolution the approval of the City of Modesto to apply for the Per Capita Allocation, and

WHEREAS, the City of Modesto will enter into a contract with the State of California, and

WHEREAS, the City of Modesto's share of the Per Capita funds is $1,708,000, which the City now desires to encumber, and

WHEREAS, the Human Services Committee met on November 26, 2001, and supported staff's recommendation to request by resolution that the City's Per Capita allocation be encumbered,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby authorizes the Parks, Recreation and Neighborhoods Department to apply for grant funds for the Per Capita Program under the Safe Neighborhood Parks, Clean Water, Clean Air and Coastal Protection Bond Act of 2000, in the amount of $1,708,000 in Per Capita Funds.
BE IT FURTHER RESOLVED that the City Council appoints the City Manager or his designee as agent to conduct all negotiations, execute and submit all documents including, but not limited to Applications, agreements, payment requests and so on, which may be necessary for the completion of project(s).

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of March, 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
MODesto CITY COUNCIL
RESOLUTION NO. 2002-141

A Resolution Authorizing the Parks, Recreation and Neighborhoods Department to Apply for Grant Funds for the Roberti-Z’Berg-Harris Open Space and Recreation Program Under the Safe Neighborhood Parks, Clean Water, Clean Air and Coastal Protection Bond Act of 2000, In Order to Encumber $548,262 in aforementioned Funding

WHEREAS, the people of the State of California have enacted the Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Act of 2000 which provides funds for the Roberti-Z’Berg-Harris Open Space and Recreation Program, and

WHEREAS, the Legislature of the State of California has enacted the Roberti-Z’Berg-Harris Open Space and Recreation Program, which provides funds to certain political subdivisions of the State of California for acquiring lands and for developing facilities to meet urban recreational needs, and

WHEREAS, the California Department of Parks and Recreation has been delegated the responsibility for the administration of the grant program, setting up necessary procedures, and

WHEREAS, said procedures established by the California Department of Parks and Recreation require the City of Modesto’s City Council to certify by resolution the approval of the City of Modesto to apply for the Roberti-Z’Berg-Harris Open Space and Recreation Program Allocation, and

WHEREAS, the City of Modesto will enter into a contract with the State of California, and

WHEREAS, the City of Modesto’s share of the Roberti-Z’Berg-Harris Open Space and Recreation Program funds is $548,262, which the City now desires to encumber, and

WHEREAS, the Human Services Committee met on November 26, 2001, and supported staff’s recommendation to request by resolution that the City’s Roberti-Z’Berg-Harris Open Space and Recreation Program allocation be encumbered.
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby authorizes the Parks, Recreation and Neighborhoods Department to apply for grant funds for the Roberti-Z’Berg-Harris Open Space and Recreation Program under the Safe Neighborhood Parks, Clean Water, Clean Air and Coastal Protection Bond Act of 2000, in the amount of $548,262 in Roberti-Z’Berg-Harris Open Space and Recreation Program Funds.

BE IT FURTHER RESOLVED that the City Council appoints the City Manager or his designee as agent to conduct all negotiations, execute and submit all documents including, but not limited to Applications, agreements, payment requests and so on, which may be necessary for the completion of project(s).

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of March, 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

JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-142

A RESOLUTION APPROVING THE APPLICATION FOR ASSISTANCE TO FIREFIGHTERS GRANT PROGRAM FUNDS

WHEREAS, the Congress under Public Law 106-398 has authorized the establishment of Federal Fire Protection and Control Act and has appropriated $100 million dollars to carry out the Assistance to Firefighter Grant Program, and

WHEREAS, the Federal Emergency Management Agency (FEMA) is responsible for administration of the program, setting up necessary rules and procedures governing application by local agencies under the program, and

WHEREAS, said adopted procedures established by the Federal Emergency Management Agency require the applicant to provide 30% local matching funds and,

WHEREAS, the City of Modesto and Modesto Fire Department qualify to submit a grant request.

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

1. Approves the filing of an application for Assistance to Firefighters Grant Program funds; and

2. Certifies that said agency has matching funds from the following source: Fire Department Operating Budget, and can finance 100 percent of the project, 70% of which will be reimbursed; and

3. Appoints the City Manager as agent of the city to conduct all negotiations and execute and submit all documents, including, but not limited to, applications, agreements, amendments, billing statements, and so on which may be necessary for the completion of the aforementioned project.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of March, 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
MODESTO CITY COUNCIL
RESOLUTION NO. 2002 - 143

A RESOLUTION APPROVING AN EXTENSION OF THE CONSULTANT SERVICES AGREEMENT WITH MACIAS, GINI & COMPANY, INDEPENDENT AUDITORS, FOR ONE (1) YEAR AND AUTHORIZING THE CITY MANAGER TO EXECUTE SAID AGREEMENT

WHEREAS, in 1998, a contract with Macias, Gini & Company LLP, Certified Public Accountants ("Auditors") was executed and approved by the City Council, and

WHEREAS, staff has determined that an extension of said contract for one (1) year will be needed, which includes the audit of the City’s financial statements for the year ending June 30, 2002, and related reports.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an extension of the Consultant Services Agreement with Macias, Gini & Company, Independent Auditors, for one (1) year.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of March, 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

03/26/02/Finance/O Adams Bailey 2002-143
MODESTO CITY COUNCIL
RESOLUTION NO. 2002-144

A RESOLUTION CANVASSING THE RESULTS OF THE MARCH 19, 2002,
ELECTION HELD WITHIN THE TERRITORY PROPOSED TO BE ANNEXED
TO COMMUNITY FACILITIES DISTRICT NO. 1996-1, AND ORDERING
ANNEXATION OF SAID TERRITORY TO THE DISTRICT (VILLAGE ONE -
ANNEXATION #8)

WHEREAS, pursuant to the Mello-Roos Community Facilities Act of 1982 (the
"Act"), the City Council (the "Council") of the City of Modesto (the "City"), by its
Resolution of Formation No. 96-544, adopted on October 8, 1996, formed its Community
Facilities District No. 1996-1 (the "District"), relating to territory within the Village One
Area, and, subject to the vote of the qualified electors therein, authorized the levy of a
special tax therein, and

WHEREAS, the Council thereafter took all steps necessary and appropriate to
annex the territory to the District constituting Annexation No. 1 to the District, and

WHEREAS, the Council thereafter took all steps necessary and appropriate to
annex the territory to the District constituting Annexation No. 2 to the District, and

WHEREAS, the Council thereafter took all steps necessary and appropriate to
annex the territory to the District constituting Annexation No. 3 to the District, and

WHEREAS, the Council thereafter took all steps necessary and appropriate to
annex the territory to the District constituting Annexation No. 4 to the District, and

WHEREAS, the Council thereafter took all steps necessary and appropriate to
annex the territory to the District constituting Annexation No. 5 to the District, and

WHEREAS, the Council thereafter took all steps necessary and appropriate to
annex the territory to the District constituting Annexation No. 6 to the District, and

WHEREAS, the Council thereafter took all steps necessary and appropriate to
annex the territory to the District constituting Annexation No. 7 to the District, and

WHEREAS, the Council thereafter declared its intention, by its Resolution of
Intention to Annex No. 2002-46, adopted February 5, 2002, to annex certain territory to
the District, a boundary map for which is recorded in Volume 3 of Assessors Maps at
page 52 in the Office of the Stanislaus County Recorder (the "Annexed Territory"),
relating to territory within the Village One Area, and to levy a special tax therein (the
"Special Tax") as set forth in Exhibit "A" hereto and by this reference incorporated
herein for the purposes of financing certain facilities and services as set forth in Exhibit “A” hereto, and by this reference incorporated herein, and to set a hearing thereon for March 12, 2002, and

WHEREAS, at the conclusion of the public hearing, the Council did, on March 12, 2002, adopt its Resolution No. 2002-122, in which it determined to submit the question of the annexation of territory to the District and the levy of the Special Tax therein to the qualified electors of the Annexed Territory, and called an election thereon, which was held on March 19, 2002,(the “Election”), and

WHEREAS, on March 19, 2002, the Election was held relative to the foregoing, and

WHEREAS, the City Clerk has certified that, at the Election the proposition of levying the Special Tax within the Annexed Territory was approved by at least two-thirds (2/3) of the votes cast,

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

1. The above recitals are true and correct.
2. The Election was duly and validly conducted in conformity with all applicable laws, rules and regulations pertaining thereto.
3. Based on the City Clerk's certificate of election results, attached hereto as Exhibit “B”, the ballot proposition presented to the qualified electors of the Annexed Territory, at the Election received at least two-thirds (2/3) of the votes cast.
4. Pursuant to Section 53339.8 of the Act, it is hereby determined that the Annexed Territory is added to and is a part of the District with full legal effect, and that this Council may levy the Special Tax within the Annexed Territory.
5. The City Clerk of the City of Modesto is hereby directed to enter this resolution in the minutes of this City Council, which shall constitute the official declaration of the result of such Election, and is hereby further authorized and directed to record notice of the annexation by filing an amendment to the notice of special tax lien with the Office of the County Recorder for the County of Stanislaus pursuant to Sections 3114.5 and 3117.7 of the California Streets and Highways Code.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of March, 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: KEAN ZAHN, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: MICHAEL D. MILICH, City Attorney
Exhibit A
COMMUNITY FACILITIES DISTRICT
NO. 1996-1 (VILLAGE ONE)

CITY OF MODESTO
STANISLAUS COUNTY, CALIFORNIA

PUBLIC REPORT
MELLO-ROOS COMMUNITY FACILITIES ACT OF 1982

AMENDED APRIL 1997
FOR
ANNEXATION NO. 1

Prepared by:

VAIL ENGINEERING CORPORATION
2033 Howe Ave., Ste. 220
Sacramento, CA 95825
(916) 929-3323
(916) 929-1772 FAX
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INTRODUCTION

WHEREAS, City Council of the City of Modesto did, pursuant to the provisions of the "Mello-Roos Community Facilities Act of 1982", being Chapter 2.5, Part 1, Division 2, Title 5 of the Government Code of the State of California, and specifically Section 53321.5 thereof, expressly order the filing of a written "Report" with the City for a proposed Community Facilities District. This Community Facilities District shall hereinafter be referred to as:

Community Facilities District No. 1996-1 (Village One).

(hereinafter referred to as the "District") and

WHEREAS, the Resolution ordering said "Report" did direct that said "Report" generally contain the following:

(1) A description of the public capital facilities and services proposed for the District;

(2) A general description of the area to be served by said facilities; said areas being the boundaries of the District;

(3) A cost estimate, setting forth the costs and expenses for providing the public facilities and services to the properties within the boundaries of the District and the costs of any incidental expenses to be paid by the District;

(4) The rate and method of apportionment of the special tax in sufficient detail to allow each landowner or resident within the proposed District to estimate the annual amount of payment;

(5) General Terms and conditions relating to the proceedings.

For particulars, references is made to the Resolution of Intention ordering the report, as previously approved and adopted.

NOW, THEREFORE, I, Jerry L. Slinkard, P.E., authorized representative for Vail Engineering Corporation, the appointed responsible officer or person directed to prepare the Report, pursuant to the provisions of the "Mello-Roos Community Facilities Act of 1982", being Chapter 2.5, Part 1, Division 2, Title 5 of the Government Code of the State of California, do hereby submit the following data:
COMMUNITY FACILITIES DISTRICT NO. 1996-1 (VILLAGE ONE)
CITY OF MODESTO, STANISLAUS COUNTY, CALIFORNIA

PUBLIC REPORT
MELLO-ROOS COMMUNITY FACILITIES ACT OF 1982

I. DESCRIPTION OF FACILITIES

All facilities described herein are as presented in the Village One Facilities Master Plan adopted June 1996. Said master plan is incorporated herein by reference. The following descriptions summarize the facilities to be funded within the CFD 1996-1.

A. ARTERIAL ROADS

The circulation plan for Village One consists of six major streets (four arterials and two expressways). For the purpose of this document, all six roadways are referred to as arterial roads. Urban interchanges are not included in the Village One Finance Plan. It is anticipated that subsequent updates to the Capital Facilities Fee Program will include urban interchanges. Refer to the Facilities Master Plan for right-of-way widths along arterial roads. The arterial roads are:

- **Claus Road (Expressway)**: Briggsmore to AT and SF railroad, widen to six-lane expressway.
- **Briggsmore (Expressway)**: Oakdale Road to Claus Road, widen to six-lane expressway.
- **Sylvan Avenue**: Oakdale Road to Roselle Avenue, widen to six lanes; Roselle Avenue to Clause Road, widen to four lanes plus bike lanes,
- **Floyd Avenue**: Oakdale Road to Claus Road, widen to four lanes plus bike lanes and parking.
- **Oakdale Road**: Briggsmore to Sylvan, widen to six lanes.
- **Roselle Avenue**: Briggsmore to Sylvan, widen to four lanes plus bike lanes.
B. STORM DRAINAGE SYSTEM

The storm drainage system for Village One consists of three basins for detention and retention:

1. **West Basin** (9.56 acres): Retention with pump out facilities to Central Basin.

2. **Central Basin** (15.59): Percolation with pump out facilities to Claus Road Storm Drain with ultimate discharge to Dry Creek.

3. **Industrial Basin** (8 acres): Percolation with pump out facilities to Claus Road Storm Drain with ultimate discharge to Dry Creek.

The facilities to be funded in CFD 1996-1 include: basins, land for basins, trunk gravity, drainage pipes in sizes ranging from 24 inches in diameter to 72 inches in diameter, and force mains. A detailed description and location of facilities is contained in "Village One Facilities Master Plan" adopted June 1996 and incorporated herein by reference.

C. UTILITY RELOCATION

The cost of a PG&E high pressure gas main within Claus Road between Briggsmore Avenue and Sylvan Avenue is identified for relocation.

D. PARKS

Three neighborhood parks and one community park will be developed within CFD 1996-1. The development of the parks will include the acquisition of land, park improvements, and street frontage improvements for:

- **Community Park**: 39 acres
- **Roselle Neighborhood Park**: 7 acres
- **Claus Neighborhood Park**: 7 acres
- **Merle Neighborhood Park**: 8 acres

In addition, 21.3 acres of buffer land for the community park is to be acquired, a bike trail is to be developed along M.I.D. Lateral No. 3, and a trail is to be developed along Claus Road.
E. PUBLIC FACILITIES

An area office for police is proposed within Village One. Funds are provided within CFD 1996-1 for tenant improvements necessary to set up an area office.

F. OTHER

Other costs associated with Village One include reimbursement to the City of Modesto for engineering of the Facilities Master Plan and planning related to the Village One Specific Plan, future annual administration costs for the CFD, and community signage for Village One.

G. OPERATIONS AND MAINTENANCE OF PARKS, TRAILS, AND STREET PARKWAYS*

The City will maintain the community park, Roselle Park, Claus Park, Merle Park, and arterial road parkways landscaping in a "good standard of maintenance" as defined by the Parks Department. M.I.D. Trail and Claus Trail will be maintained as Class I trails.

*Street parkways includes median and roadside landscape and hardscape.
II. BOUNDARIES OF COMMUNITY FACILITIES DISTRICT ANNEXATION NO. 1

The maps located at the end of the report includes land within Village One that will be annexed to and contained within Community Facilities District 1996-1 (Village One) Annexation No. 1.
III. COST ESTIMATES

A. CAPITAL COSTS FOR FACILITIES SPECIAL TAX

The capital costs for CFD 1996-1 (Village One) Annexation No. 1 amended April, 1997, as estimated in the Village One Facilities Master Plan adopted June 1996, and as shown on page 28 of the Village One Finance Plan, is $48,457,856. This figure is based upon 1996 costs as set forth in the adopted Facilities Master Plan for Village One. These costs are subject to an annual inflation adjustment based upon the Engineering News Record Cost Index for the San Francisco region. A breakdown of these costs are as follows:

<table>
<thead>
<tr>
<th>Category</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arterial Roads</td>
<td>$20,509,278</td>
</tr>
<tr>
<td>Storm Drainage</td>
<td>$13,240,470</td>
</tr>
<tr>
<td>Utility Relocation</td>
<td>$1,120,458</td>
</tr>
<tr>
<td>Parks</td>
<td>$10,863,967</td>
</tr>
<tr>
<td>Public Facilities</td>
<td>$25,000</td>
</tr>
<tr>
<td>Other</td>
<td>$2,698,683</td>
</tr>
<tr>
<td><strong>Subtotal:</strong></td>
<td><strong>$48,457,856</strong></td>
</tr>
<tr>
<td>Annual CFD Administration (1%)</td>
<td>$484,579</td>
</tr>
</tbody>
</table>

In addition to the capital costs, an annual cost to administer the CFD is estimated at 1% of the capital costs, or $484,579 over the life of the district.

Total district with administration is: $48,942,435
8. OPERATIONS AND MAINTENANCE COSTS FOR MAINTENANCE SPECIAL TAX

Estimated annual cost to the CFD at full buildout of Village One in 1996 dollars to provide operations and maintenance (O&M) of parks, street/parkway, and pathways (including landscaping) is $850,000. A breakdown of these annual O&M costs are:

* Annual maintenance cost at buildout in 1996 dollars:

  - Community Park and three (3) neighborhood parks: $149,073
  - Street/Parkways: 1,500,000 sq. ft. x $0.417 / sq. ft. = $625,500
  - Pathway Landscaping: Subtotal Paths: $44,965
    - Class I: 17,889 / 5,280 x $4.020 = $13,560
    - Class II: 82,388 / 5,280 x $1.500 = $23,405
    - Class III: 84,480 / 5,280 x $5.00 = $8,000
  - Weed and Litter Abatement: $4,251
  - Misc. Annual Admin/Cont. (3%) = $26,211

Total Annual Cost: $850,000

* Total annual costs at "good" standard for all neighborhood and community parks in 1995 dollars is $708,676. The amount attributed to the Village One CFD is $149,073.
IV. RATE AND METHOD (By David Taussig and Associates)

A special tax applicable to each Assessor's Parcel in Community Facilities District No. 1996-1 (herein "CFD No. 1996-1") shall be levied and collected according to the tax liability determined by the City Council of the City of Modesto, through the application of the appropriate amount or rate for Taxable Property, as described below. All of the property in CFD No. 1996-1, unless exempted by law or by the provisions of Section E below, shall be taxed for the purposes, to the extent, and in the manner herein provided, including property subsequently annexed to CFD No. 1996-1 unless a separate Rate and Method of Apportionment of Special Tax is adopted for the annexation area.

A. DEFINITIONS

The terms hereinafter set forth have the following meanings:

"Acre or Acreage" means the land area of an Assessor’s Parcel as shown on an Assessor’s Parcel Map, or if the land area is not shown on an Assessor’s Parcel Map, the land area shown on the applicable Final Subdivision Map, parcel map, or other recorded County parcel map.

"Annual Maintenance Special Tax" means a Special Tax levied in any Fiscal Year to pay for the operations and maintenance of parks, street landscaping pathways, weed and litter abatement, and miscellaneous annual administrative and contractual costs.

"Assessor’s Parcel" means a lot or parcel shown in an Assessor’s Parcel Map with an assigned Assessor’s Parcel number.

"Assessor’s Parcel Map" means an official map of the County Assessor of the County of Stanislaus designating parcels by Assessor’s Parcel Number.

"City" means the City of Modesto.

"City Manager" means the City Manager of the City of Modesto.

"Commercial Property" means all Parcels of Developed Property for which a building permit has been issued for a commercial establishment which sells general merchandise, hard goods, personal and professional services, and other items directly to consumers, including but not limited to travel agencies, hardware stores, food stores, automotive dealers, service stations, home furnishing stores,
restaurants, banks, repair shops, movie theaters, day care centers, and art galleries. In addition, all professional office space, including company headquarters; medical office buildings, and other such buildings, will be defined as Commercial Property.

"Council" means the City Council of the City of Modesto, acting as the legislative body of CFD No. 1996-1.

"Developed Property" means, in any Fiscal Year, all Taxable Property for which a building permit for new construction was issued prior to March 1 of the preceding Fiscal Year or for which a Final Subdivision Map was recorded prior to March 1 of the preceding Fiscal Year creating individual lots for which a building permit may be issued without further subdivision.

"Facilities Special Tax" means a Special Tax levied in any Fiscal Year to pay for public facilities authorized to be funded by CFD No. 1996-1, including appurtenant expenses such as planning, design, engineering, inspection and financing costs.

"Final Subdivision Map" means a final subdivision map, or portion thereof, approved by the City pursuant to the Subdivision Map Act (California Government Code Section 65410 et seq.) that creates individual lots for which building permits may be issued. The term "Final Subdivision Map" shall not include any Assessor’s Parcel Map or subdivision map or portion thereof, that does not create individual lots for which a building permit may be issued, including Assessor’s Parcels that are designated as a remainder parcel.

"Fiscal Year" means the period starting July 1 and ending on the following June 30.

"Gross Acreage" means, for Developed Property, the total acreage within the Final Subdivision Map or Parcel map less arterial road right-of-ways (as defined and identified in the Village One Specific Plan #8, the Village One Financing Plan and CFD Public Report) and property that is identified in the Final Subdivision Map for use as a park site, school site, or storm drainage basin. For Undeveloped Property, Gross Acreage means the acreage identified on the Assessor’s Map.

"Industrial Property" means all Parcels of Developed Property for which a building permit has been issued for a non-residential structure that is not Commercial Property.

"Land Use Class" means any of the five classes listed in Table 1 and Table 2 below.
“Maintenance Special Tax Requirement” means the amount necessary in any Fiscal Year (i) to pay for authorized maintenance expenses, (ii) to pay administrative expenses of CFD No. 1996-1, and (iii) to cure any delinquencies in the payment of Annual Maintenance Special Taxes levied in prior Fiscal Years or (based on delinquencies in the payment of Special Taxes which have already taken place) are expected to occur in the Fiscal Year in which the tax will be collected.

“Maximum Special Tax” means the maximum Special Tax, determined in accordance with Section C below, that can be levied by the City in any Fiscal Year on Taxable Property.

“Multi-Family Residential” means any residential structure consisting of two or more residential units that share common walls including, but not limited to, townhomes, condominiums, duplexes, triplexes, fourplexes, apartment units, including senior housing that fits within the aforementioned description.

“Other Property” means any Parcel of Developed Property for which a building permit has been issued for a use other than Very Low Density Residential, Village Residential, Multi-Family Residential, Commercial or Industrial Property.

“Other Undeveloped Property” means all Taxable Property that is not classified as Developed Property, Undeveloped Commercial Property, Undeveloped Industrial Property or Undeveloped Residential Property.

“Public Agency” means the federal government, State of California or other local governments or public agencies.

“Subdivided Property” means all Parcels which, after recordation of a Final Subdivision Map, are in their final configuration and for which building permits may be issued. Subdivided Property shall not include any Assessor's Parcels that are not individual lots for which a building permit may be issued, including Assessor’s Parcels that are designated as a remainder parcel.

“Undeveloped Commercial Property” means any Parcel that is not Developed Property that is anticipated to be developed as Commercial Property, as determined first by reference to the Village One Specific Plan and, second, by reference to the Parcel’s zoning designation.

“Undeveloped Industrial Property” means any Parcel that is not Developed Property that is anticipated to be developed as Industrial Property, as determined first by
reference to the Village One Specific Plan and, second, by reference to the Parcel's zoning designation.

"Undeveloped Residential Property" means any Parcel that is not Developed Property that is anticipated to be further subdivided and developed as Very Low Density Residential, Village Residential or Multi-Family Residential Property, as determined first by reference to the Village One Specific Plan and, second, by reference to the Parcel's zoning designation.

"Very Low Density Residential" means a residential structure consisting of only one residential unit on a Parcel with a maximum density of two or less dwelling units per gross acre.

"Village One Facilities Master Plan" means the facilities master plan for development of Village One adopted in June 1996, and as may be amended in the future.

"Village One Specific Plan" means the Specific Plan for development in Village One of the City of Modesto, as adopted by the City Council and as amended in future years.

"Village Residential" means a residential structure consisting of only one residential unit on a Parcel with a maximum density greater than two dwelling units per gross acre.

B. ASSIGNMENT TO LAND USE CLASS

After issuance of a building permit and prior to final building permit inspection or issuance of a certificate of occupancy for a Parcel in CFD No. 1996-1, the Parcel shall be assigned to the appropriate Land Use Class based upon the land use and density proposed for the Parcel. For Multi-Family Residential Property, the number of residential units shall be determined by referencing the condominium plan, apartment plan, site plan or other development plan. If the Parcel is designated as Other Property, the City or its designee shall identify the appropriate Land Use Class for purposes of calculating the Maximum Special Tax by determining the land use that was anticipated for the Parcel based on reference to the current Village One Specific Plan. Determination of the appropriate Land Use Class shall be at the sole discretion of the City.
C. MAXIMUM SPECIAL TAX

1. Facilities Special Tax

   a) Very Low Density Residential Property and Village Residential Property

Prior to recordation of each Final Map for property in CFD No. 1996-1, the City or its designee shall determine the Gross Acreage included within the Final Map and, for Very Low Density Residential Property and Village Residential Property, shall apply the following steps to determine the actual Maximum Special Tax that will apply to each unit within the Final Map:

Step 1: Determine if there is a portion of the Final Subdivision Map acreage that is not Subdivided Property, as defined in Section A above. Calculate the Gross Acreage associated with such unsubdivided Parcels by identifying the acreage of the Parcel and (I) adding all or a portion of the acreage of any non-arterial right-of-way that fronts the Parcel determined by drawing lines at right angles to the right-of-way to either, 1) the centerline, if acreage within the final map fronts on both sides of the non-arterial road or, 2) the opposite right-of-way line if there is no fronting acreage within the final map or on the opposite side of the non-arterial road, and (ii) subtracting of the acreage of any arterial right-of-way included in the final map.

Step 2: Identify the Land Use Class that applies to all Parcels of Subdivided Property within the Final Subdivision Map.

Step 3: Determine the Gross Acreage of all Subdivided Property included within the Final Subdivision Map. If more than one Land Use Class is represented within the Final Subdivision Map, distribute the Gross Acreage of all Subdivided Property to each Land Use Class.
Step 4: Multiply the Gross Acreage for each Land Use Class determined in Step 3 by the Facilities Special Tax identified for each Land Use Class in Table 1 below.

Step 5: Separately for each Land Use Class identified in the Final Subdivision Map, divide the product determined in Step 4 by the number of residential units within that Land Use Class as reflected in the Final Subdivision Map.

Step 6: Multiply the quotient(s) determined in Step 5 by 1.01 to calculate the Facilities Special Tax per residential unit that shall be collected prior to final building permit inspection or issuance of a certificate of occupancy, whichever occurs first.

b) Multi-Family Residential Property, Commercial Property, and Industrial Property

The Maximum Facilities Special Tax for Multi-Family Residential, Commercial and Industrial Property shall be determined as follows:

Step 1: Determine the Gross Acreage of the Multi-Family Residential, Commercial, or Industrial Property within the Final Subdivision Map. Such determination shall include netting out any property within the Final Subdivision Map that is not Subdivided Property, as set forth in Step 1 of Section C.1.a, above.

Step 2: Multiply the Gross Acreage determined in Step 1 by the Maximum Facilities Special Tax applicable to each Land Use Class as shown in Table 1 below.

Step 3: Multiply the product determined in Step 2 above by 1.01 to calculate the total Facilities Special Tax that shall be collected from Multi-Family Residential, Commercial or Industrial Property prior to final building permit inspection or issuance of a certificate of occupancy, whichever occurs first.
Table 1
Per-Acre Special Tax to be Used in Calculation of Maximum Facilities Special Tax
For Annexation Area No. 1
(Fiscal Year 1996-97)

<table>
<thead>
<tr>
<th>Land Use Class</th>
<th>Description</th>
<th>Per-Acre Special Tax</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Very Low Density Residential</td>
<td>$19,715 per Gross Acre</td>
</tr>
<tr>
<td>2</td>
<td>Village Residential</td>
<td>$29,479 per Gross Acre</td>
</tr>
<tr>
<td>3</td>
<td>Multi-Family Residential</td>
<td>$78,394 per Gross Acre</td>
</tr>
<tr>
<td>4</td>
<td>Commercial</td>
<td>$86,610 per Gross Acre</td>
</tr>
<tr>
<td>5</td>
<td>Industrial</td>
<td>$40,584 per Gross Acre</td>
</tr>
</tbody>
</table>

Beginning in January 1997, the Facilities Special Tax shall be adjusted annually by applying the greater of (i) the construction cost index for the San Francisco region for the prior twelve (12) month period as published in the Engineering News Record or other comparable source if the Engineering News Record is discontinued or otherwise not available, or (ii) four percent (4.0%). Each annual adjustment of the Facilities Special Tax shall become effective on the subsequent July 1, and shall apply to all Parcels which have not paid the Facilities Special Tax prior to July 1.

The Facilities Special Tax represents a lien on each Parcel which is anticipated to be released upon payment of the Facilities Special Tax, which is expected to occur no later than final building permit inspection or issuance of a certificate of occupancy, whichever occurs first.

2. Maintenance Special Tax

All Taxable Property within this CFD Annexation No. 1 shall be subject to a Maintenance Special Tax that shall be levied each Fiscal Year to meet the Maintenance Special Tax Requirement. The Annual Maintenance Special Tax shall be reflected as an annual lien on each Parcel in CFD No. 1996-1 and is anticipated to stay with the property and be paid each year by the current homeowner or property owner.
a) **Developed Property**

The following maximum rates apply to all Parcels of Developed Property within CFD No. 1996-1 for each Fiscal Year in which the Maintenance Special Tax will be levied:

<table>
<thead>
<tr>
<th>Land Use Class</th>
<th>Description</th>
<th>Maximum Annual Maintenance Special Tax</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Very Low Density Residential</td>
<td>$112.43 per lot</td>
</tr>
<tr>
<td>2</td>
<td>Village Residential</td>
<td>$112.43 per lot</td>
</tr>
<tr>
<td>3</td>
<td>Multi-Family Residential</td>
<td>$72.99 per unit</td>
</tr>
<tr>
<td>4</td>
<td>Commercial</td>
<td>$394.30 per Gross Acre</td>
</tr>
<tr>
<td>5</td>
<td>Industrial</td>
<td>$394.30 per Gross Acre</td>
</tr>
</tbody>
</table>

Beginning in January 1997, the maximum Annual Maintenance Special Tax shall be adjusted annually by applying the greater of (i) the construction cost index for the San Francisco region for the prior twelve (12) month period as published in the *Engineering News Record* or other comparable source if the *Engineering News Record* is discontinued or otherwise not available, or (ii) four percent (4.0%). Each annual adjustment of the maximum Annual Maintenance Special Tax shall become effective on the subsequent July 1.

b) **Undeveloped Property**

**Undeveloped Residential Property:**

The maximum Annual Maintenance Special Tax for each Parcel of Residential Undeveloped Property shall be determined as follows:

**Step 1:** Determine whether the Parcel will be developed as Very Low Density Residential, Village Residential or Multi-Family Residential Property determined by reference to the Village One Specific Plan.
Step 2: Multiply the average density for the Parcel's Land Use Class as determined in Step 1 by the Gross Acreage of the Parcel to determine the average number of units that could be built on the Parcel. The average density for each Land Use Class shall be determined based on reference to the Village One Specific Plan.

Step 3: Multiply the average number of units for the Parcel as determined in Step 2 by the maximum Annual Maintenance Special Tax for the appropriate Land Use Class, as determined by reference to Table 2.

Step 4: Multiply the figure calculated in Step 3 by 0.50 to determine the total Maintenance Special Tax to be levied on the Parcel.

Undeveloped Commercial and Undeveloped Industrial Property:

The maximum annual Maintenance Special Tax that can be levied on Undeveloped Commercial and Undeveloped Industrial Property is the same as those rates identified in Table 2 above for Developed Commercial or Industrial Property.

D. METHOD OF LEVY AND COLLECTION OF THE SPECIAL TAX

1. Facilities Special Tax

The Facilities Special Tax shall be collected prior to a final building permit inspection being completed or a certificate of occupancy being issued for new construction for any residential or non-residential structure within CFD No. 1996-1 and shall be immediately delinquent if not so paid.
2. Maintenance Special Tax

Commencing with Fiscal Year 1997-98 and for each following Fiscal Year, the City or its designee shall determine the Maintenance Special Tax Requirement to be collected from Taxable Property in CFD No. 1996-1 in the Fiscal Year. The Maintenance Special Tax shall then be levied as follows:

Step 1: Calculate the total Maintenance Special Tax revenues that could be collected from Developed and Undeveloped Property within the CFD based on application of the maximum Annual Maintenance Special Tax rates determined pursuant to Section C above.

Step 2: Divide the Maintenance Special Tax Requirement by the maximum revenues that could be collected as determined in Step 1.

Step 3: If the ratio determined in Step 2 is greater than or equal to 1, levy the Maximum Maintenance Special Tax determined pursuant to Section C on all Developed and Undeveloped Property in the CFD. If the ratio determined in Step 2 is less than 1, continue to Step 4.

Step 4: Levy the maximum Annual Maintenance Special Tax against all Parcels of Developed Property. Subtract the amount generated from Developed Property from the Maintenance Special Tax Requirement, and levy a Maintenance Special Tax on all Parcels of Undeveloped Residential, Undeveloped Commercial and Undeveloped Industrial Property in equal percentages up to 100% of the maximum Annual Maintenance Special Tax for Undeveloped Property determined pursuant to Section C.2.b. above.

The Annual Maintenance Special Tax for CFD No. 1996-1 shall be collected in the same manner and at the same time as ordinary ad valorem property taxes, provided, however, that CFD No. 1996-1 may (under the authority of Government Code Section 53340), in any particular case, bill the taxes directly to the property owner, off the County tax roll, and the Special Taxes will be equally subject to foreclosure if delinquent as annual Special Taxes.
E. LIMITATIONS

Notwithstanding any other provision of this Rate and Method of Apportionment of Special Tax, no Special Taxes shall be levied on structures built on land that has been conveyed to a Public Agency, except as otherwise provided in Sections 53317.3 and 53317.5 of the Mello-Roos Community Facilities Act of 1982.

F. ENFORCEMENT

All delinquent Facility Special Taxes, or delinquent Maintenance Special Taxes billed off the County tax roll, shall be subject to an immediate 10% penalty plus interest charges of 1 1/2% as of the first day of the month after the delinquency date and on the first day of each month thereafter. Any such delinquent Special Taxes shall, at the City’s discretion, be placed on the next secured property tax roll. The amount placed on the roll shall include the 10% penalty and the interest charges through the following December 1. This shall not prevent the City from simultaneously pursuing the delinquency by an action on a contract or guarantee against a third party who promised to pay the taxes, or from assigning such right of action to the property owner or other appropriate party.
GENERAL TERMS AND CONDITIONS

A. SUBSTITUTION FACILITIES

The description of the general capital facilities, as set forth herein and as shown in the Facilities Master Plan, are conceptual in their nature. The final nature and location of improvements and facilities will be determined upon the preparation of final plans and specifications. The final plans may show substitutes, in lieu or modifications to the proposed work in order to accomplish the work of improvement, and any such substitution shall not be a change or modification in the proceedings as long as the facilities provide a service substantially similar to that as set forth in this report.

B. APPEALS AND INTERPRETATION PROCEDURE

Any landowner or resident who feels that the amount of formula of the special tax is in error may file a notice with the legislative body appealing the levy of the special tax. An appeals panel of three members, as appointed by the legislative body, will then meet and promptly review the appeal, and if necessary, meet with the applicant. If the findings of the Appeals Board verify that the tax should be modified or changed, a recommendation at that time will be made to the legislative body, as appropriate, the special tax levy shall be corrected, and if applicable, in any case, a refund shall be granted.

Interpretations may be made by the legislative body by Resolution for purposes of clarifying any vagueness or ambiguity as it relates to any category, zone, rate or definition applicable to these proceedings.

C. ADMINISTRATION OF FUNDS

1. Facilities Fund

All funds received from the payment of the one-time facilities special tax shall be maintained in a single facilities fund account. This account shall apportion the funds into the facilities categories as shown on page 43 of the “City of Modesto Village One Finance Plan” as adopted by the City Council in Resolution No. 96-463 dated August 13, 1996, or as said ordinance may be amended. The City has full discretion in the use of the funds for all authorized facilities within this pooled account. Accounting of the fund shall
track the use of funds to insure the ultimate distribution of funds at buildout are as proportioned in said Ordinance 96-463.

2. Maintenance Fund

All annual maintenance special taxes shall be maintained in a single account. Funds shall be utilized at the discretion of the City to fund authorized maintenance and administration services.
VI. CERTIFICATION

It is my opinion that the special tax rate and method of apportionment, as set forth, is fair and equitable, uniformly applied, and not discriminatory or arbitrary.

______________________________  __________________________
Jerry L. Slinkard                  Date
Vail Engineering Corporation
Exhibit B
EXHIBIT B

CERTIFICATE OF CITY CLERK

I, JEAN ZAHR, City Clerk of the City of Modesto, hereby certify that, pursuant to Resolution No. 2002-122, the Resolution calling for the Election, adopted on March 12, 2002 by the City Council of the City of Modesto, I did conduct a Special Tax Election for Community Facilities District No. 1996-1(8) on March 19, 2002, and that the election was conducted by mail or in person at the City Hall of Modesto.

I further certify that the following shows the full text of the measure submitted to the voters at the election and the full and true totals of all votes cast for and against the measure.

Proposition A. Shall a special tax with a maximum rate, method of apportionment, and manner of collection as established in the Resolution of Formation adopted at a public hearing held by the City Council of the City of Modesto on March 12, 2002, be levied within the territory proposed to be annexed to Community Facilities District No. 1996-1(8) for the purposes of financing certain public facilities and services as provided in the Resolution?

TOTAL VOTES CAST: YES 73 NO 0

Dated: March 13, 2002

JEAN ZAHR
City Clerk of the City of Modesto