MODESTO CITY COUNCIL
RESOLUTION NO. 2002-461

A RESOLUTION APPROVING AN AGREEMENT WITH ORVILLE WRIGHT BASEBALL FOR YOUTH PROGRAM FOR $10,000 IN COMMUNITY DEVELOPMENT BLOCKGrant (CDBG) FUNDS FOR A LITTLE LEAGUE DIAMOND AT ORVILLE WRIGHT SCHOOL AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT.

WHEREAS, in April 2002, the Parks, Recreation and Neighborhoods Department released a Request for Proposal (RFP) to interested individuals and/or groups located in low-income neighborhoods for potential Capital Improvement Program projects in their neighborhoods, and

WHEREAS, up to $10,000 in Community Development Block Grant (CDBG) funds may be allocated to each beautification or improvement project that will result in an improvement in the quality of life for the residents of that neighborhood, and

WHEREAS, the Orville Wright/Airport Little League had 190 youth on 18 teams during the last season, with virtually no fields to play on, with the one existing diamond located at the Orville Wright School not meeting Little League standards, and

WHEREAS, Little League Baseball is an important, positive recreational activity for the low-income youth in this neighborhood, and

WHEREAS, the Orville Wright Baseball for Youth Program submitted a proposal in response to the RFP, and

WHEREAS, they have been working for some time on plans to build a new Little League Diamond, and have a commitment of $3,000 from the Modesto A’s through the “Field of Dreams” program, in addition to in-kind contributions from Modesto City Schools for the sprinkler system and assistance with materials, plus a large volunteer pool for the construction of the diamond itself, and

WHEREAS, this baseball diamond, to be located on the school grounds, is included in the City’s Master Plan for the Orville Wright Park, which will be located adjacent to the school grounds, and

WHEREAS, said Master Plan was approved by the City Council at its June 11, 2002, meeting, and

WHEREAS, the $10,000 CDBG grant would be used to purchase materials for the construction of the diamond, including fencing and concrete, and
WHEREAS, the Citizens Housing and Community Development Committee met on June 21, 2002, and supported the recommendation to enter into an agreement with Orville Wright Baseball for Youth for $10,000 for a Little League Diamond at Orville Wright School,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves an agreement with Orville Wright Baseball for Youth for $10,000 for a Little League Diamond at Orville Wright School.

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to execute the agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of September, 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. 2002-462

A RESOLUTION APPROVING THE SUBMISSION OF AN APPLICATION FOR $200,000 IN GRANT FUNDS FOR THE LOCAL AGENCY GRANT PROGRAM – FISCAL YEAR 2002-03 UNDER THE HABITAT CONSERVATION FUND PROGRAM OF THE CALIFORNIA WILDLIFE PROTECTION ACT OF 1990 FOR THE FOLLOWING PROJECT: REMOVAL OF DENNETT DAM, AND AUTHORIZING THE CITY MANAGER TO SIGN THE APPLICATION.

WHEREAS, the people of the State of California have enacted the California Wildlife Protection Act of 1990, which provides funds to the State of California for grants to local agencies to acquire and/or develop facilities for public recreational and fish and wildlife habitat protection purposes, and

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

WHEREAS, said procedures established by the State Department of Parks and Recreation require the applicant to certify by resolution the approval of applications before submission of said applications to the State, and

WHEREAS, said applications contain assurances that the applicant must comply with, and

WHEREAS, staff has prepared an application for $200,000 in funding under the Habitat Conservation Fund Program of the California Wildlife Protection Act of 1990 for removal of the remnants of the Dennett Dam, located in the Tuolumne River within the boundaries of the Tuolumne River Regional Park, and

WHEREAS the City of Modesto will enter into an agreement with the State of California for development of the project,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto

that the Council hereby:

1. Approves the submission of an application for $200,000 in funding under the Habitat Conservation Fund Program of the California Wildlife Protection Act of 1990 for removal of the remnants of the Dennett Dam, located in the Tuolumne River within the boundaries of the Tuolumne River Regional Park; and
2. Certifies that the City of Modesto understands the assurances and certification in the application form; and
3. Certifies that the City of Modesto has or will have available prior to commencement of any work on the project included in this application, the required match and will have sufficient funds to operate and maintain the project; and
4. Appoints the City Manager or his designee as agent of the City of Modesto to execute and submit the necessary grant application documents.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of September, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: 

JEAN ZAHR, City Clerk

APPROVED AS TO FORM

By: MICHAEL D. MILICH, City Attorney
A RESOLUTION AMENDING THE FISCAL YEAR 2002-03 OPERATING BUDGET TO RE-APPROPRIATE FUNDS FOR PROJECTS AND ACTIVITIES APPROVED IN FISCAL YEAR 2001-02, BUT NOT COMPLETED FOR THE PARKS, RECREATION AND NEIGHBORHOODS DEPARTMENT.

WHEREAS, from time to time during Fiscal Year 2001-02, the City Council authorized operating budget funding for several specific projects to be completed by the Parks, Recreation and Neighborhoods Department, and

WHEREAS, some of these projects were not completed, and

WHEREAS, staff now desires to complete these projects and activities,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves amending the Fiscal Year 2002-03 operating budget to:

1. Re-appropriate $37,927 from 1300-800-8000-8003 to 1300-340-3419-5900 (Thurman Field).
2. Re-appropriate $127,141 from 0100-800-8000-8003 to 0100-360-3614-0235 (McClure Country Place).
3. Re-appropriate $15,000 from 0100-800-8000-8003 to 0100-360-3611-0235 (Art League Re-location).
4. Re-appropriate $5,731 from 6710-800-8000-8003 to 6710-340-3420-5900 (Centre Plaza FF&E).
5. Re-appropriate $20,000 from 6700-800-8000-8003 to 6700-340-3412-0235 (Centre Plaza 5-year Plan).

BE IT FURTHER RESOLVED that the Fiscal Year 2001-02 year-end balance of the Parks, Recreation and Neighborhoods Department be reduced by $155,471 prior to calculation of the department’s Accountability Budgeting System (ABS) carry-over for Fiscal Year 2001-02 as follows:

1. ($121,141) from 0100-360-3614-0235 (McClure Country Place)
2. ($15,000) from 0100-380-3810-0235 (Modesto Community Service Center Engineering)
3. ($13,330) from 0100-320-3201-0491 (Rental Assistance).
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of September, 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. 2002-464

A RESOLUTION APPROVING THE ANIMAL SERVICE AGREEMENT WITH THE COUNTY OF STANISLAUS IN THE AMOUNT OF $370,000 ANNUALLY AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE 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, on April 23, 2002, by Resolution No. 2002-185, the agreement was extended through September 30, 2002, and

WHEREAS, this agreement, with extended term, will expire on September 30, 2002, and

WHEREAS, the parties now wish to enter into a new Agreement with different conditions, promises and covenants in the amount of $370,000 annually, and

WHEREAS, the agreement will be in effect from its effective date of execution to June 30, 2007, and

WHEREAS, costs for this agreement are budgeted in the Police Department General Fund 2002/2003 fiscal year allocations, and

WHEREAS, the Safety and Communities Committee recommended approval and execution of this agreement at its meeting of September 4, 2002,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Animal Service Agreement between the City of Modesto and the County of Stanislaus is hereby approved.
BE IT FURTHER RESOLVED by the Council of the City of Modesto that the execution of said agreement by the City Manager, or his authorized designee, is hereby authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of September, 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

(SEAL)

APPROVED AS TO FORM:

By: Michael D. Milich, City Attorney
A RESOLUTION AUTHORIZING THE PURCHASING SUPERVISOR TO PURCHASE A 2002 JACOBSEN, HIGH PRODUCTION ROTARY MOWER, MODEL HR9016, FROM H.V.CARTER INC. OF LIVERMORE, CA. FOR A TOTAL COST OF $72,147.41.

WHEREAS, the Operations and Maintenance Department-Fleet Services has requested the purchase of a 2002 Jacobsen, Model #HR9016, High Production, Rotary Mower, and

WHEREAS, recently the Parks Division converted to this type of high-production mower because it can do what previously was accomplished with two mowers, and

WHEREAS, this mower will replace a 1996 mower which has experienced significant maintenance problems and is currently out of service due to a major engine failure, and

WHEREAS, City Park crews have been without a high-production mower for six (6) weeks and consequently mowing capacity has decreased by twenty-five (25) percent, and

WHEREAS, this decrease in capacity has led to an increase in complaints from the public, and

WHEREAS, the purchase of a new high production mower will allow staff to return to normal mowing capacities, and

WHEREAS, by piggybacking on the City of San Jose contract # FB 00-01-46, the City can obtain the lowest possible cost commensurate with the desired quality and conform to MMC 8-3.203,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Purchasing Supervisor is hereby authorized to issue a purchase order for a 2002 Jacobsen, High Production Rotary Mower, Model # HR9016 from H.V. Carter Inc., of Livermore, California, for a total cost of $72,147.41.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of September, 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. 2002-466

A RESOLUTION AUTHORIZING THE AWARD OF CONCRETE PICNIC TABLES TO UNIVERSAL PRECAST INC., REDDING, CA FOR A TOTAL NOT TO EXCEED COST OF $85,487.81.

WHEREAS, the City of Modesto has deemed it necessary to purchase concrete picnic tables, and

WHEREAS, by Resolution No. 2002-228 Council authorized the solicitation of formal bids for concrete picnic tables, and

WHEREAS, the City Clerk formally solicited bids and formally opened all responses to the solicitation of bids for concrete picnic tables on July 2, 2002, and

WHEREAS, Modesto Municipal Code, Section 8-3.203, allows for the award to be made to the lowest responsive and responsible bidder, and

WHEREAS, staff recommends that the City award the bid to the lowest responsive and responsible bidder, Universal Precast Inc., and

WHEREAS, the total not to exceed cost for the concrete picnic tables is $85,487.81,

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby awards the bid for concrete picnic tables to Universal Precast Inc., Redding, CA, for a not to exceed cost of $85,487.81.

BE IT FURTHER RESOLVED that the Purchasing Supervisor is hereby authorized to issue a purchase order to Universal Precast Inc., Redding, CA, for the purchase of 188 concrete picnic tables for a not to exceed cost of $85,487.81.
The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 24th day of September, 2002, by Councilmember
Frohman, who moved its adoption, which motion being duly seconded by
Councilmember Fisher was upon roll call carried and the resolution adopted by the
following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr

City Clerk

APPROVED AS TO FORM:
By: Michael D. Milich, City Attorney
A RESOLUTION CANVASSING THE RESULTS OF THE SEPTEMBER 17, 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 #9)

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 took all steps necessary and appropriate to annex the territory to the District constituting Annexation No. 8 to the District, and

WHEREAS, the Council thereafter declared its intention, by its Resolution of Intention to Annex No. 2002-371, adopted August 8, 2002, to annex certain territory to the District, a boundary map for which is recorded in Volume 3 of Assessors Maps at page 65 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 September 10, 2002, and

WHEREAS, at the conclusion of the public hearing, the Council did, on September 10, 2002, adopt its Resolution No. 2002-443, 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 September 17, 2002, (the "Election"), and

WHEREAS, on September 17, 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 24th day of September, 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: 

(SEAL)

APPROVED AS TO FORM:

By: 

MICHAEL D. MILICH, City Attorney
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).

(wherein the 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, reference 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>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>$10,663,967</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: 17,689 / 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 $500 = $8,000
  Subtotal Paths: .............................................................. $44,965
  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 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>$40,554 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. 96-453 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 96-453.

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
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. 2002-443, the Resolution calling for the Election, adopted on September 10, 2002, by the City Council of the City of Modesto, I did conduct a Special Tax Election for Community Facilities District No 1996-1(9) on September 17, 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 September 10, 2002, be levied within the territory proposed to be annexed to Community Facilities District No. 1996-1(9) for the purposes of financing certain public facilities and services as provided in the Resolution.

TOTAL VOTES CAST:       YES 28       NO 0

Dated: September 18, 2002

JEAN ZAHR
City Clerk of the City of Modesto
MODESTO CITY COUNCIL
RESOLUTION NO. 2002-468

A RESOLUTION ACCEPTING THE BID OF CLAYBORN CONTRACTING GROUP FOR THE PROJECT TITLED “STREET LIGHTING CIRCUIT REPLACEMENT (ROSEBURG AREA) – CITY”

WHEREAS, the bids received for the Street Lighting Circuit Replacement – Roseburg Area were opened at 11:00 a.m. on August 20, 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 $92,427 received from Clayborn Contracting Group be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of $92,427 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 24th day of September, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
JEAN ZAHN, City Clerk

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

09/24/02/E&T/F Vohra 1 2002-468
A RESOLUTION ACCEPTING THE PROJECT TITLED “TRAFFIC SIGNAL AT DALE ROAD AND PELANDALE AVENUE” AS COMPLETE

WHEREAS, a contract was awarded to Tennyson Electric, Inc., for construction of the project titled Traffic Signal at Dale Road and Pelandale Avenue on February 15, 2000, and

WHEREAS, work began on the project on March 22, 2000, and

WHEREAS, Tennyson Electric, Inc., in the performance of the work, did not utilize their listed Disadvantaged Business Enterprise (DBE) subcontractor as required by the contract, and

WHEREAS, a penalty of $12,200 has been levied against the contractor for its failure to comply with the contract requirements, and

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled Traffic Signal at Dale Road and Pelandale Avenue has been completed by Tennyson Electric, Inc., and that a penalty has been levied for its failure to comply with the contract specification requirements,

NOW, THEREFORE, BE IT RESOLVED that the Traffic Signal at Dale Road and Pelandale Avenue be accepted from said contractor, Tennyson Electric, Inc., that the notice of completion be filed with the Recorder of Stanislaus County and that payment of the total amounts due of $96,942, be authorized.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of September, 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
MODESTO CITY COUNCIL
RESOLUTION NO. 2002-470

A RESOLUTION APPROVING A SECOND AMENDMENT TO AGREEMENT WITH DOKKEN ENGINEERING FOR PROFESSIONAL DESIGN SERVICES FOR REPLACEMENT OF THE 9TH STREET BRIDGE OVER TUOLUMNE RIVER TO PROCESS CEQA CLEARANCE AS A MITIGATED NEGATIVE DECLARATION AND AUTHORIZING THE CITY MANAGER TO EXECUTE SAID AMENDMENT TO AGREEMENT

WHEREAS, on April 13, 1999, the CITY and CONSULTANT entered into an Agreement for design services for REPLACEMENT OF THE 9TH STREET BRIDGE OVER TUOLUMNE RIVER, and

WHEREAS, Resolution No. 2000-113 approved the Initial Study relating to the Ninth Street Bridge Seismic Safety Replacement Project, and made a finding that the project is within the scope of the urban area general plan covered by a Master Environmental Impact Report (EIR)(SCH 92052017), and

WHEREAS, the City Attorney’s Office recommends the preparation of documents so as to process the Ninth Street Bridge Replacement Project as a Mitigated Negative Declaration and the completion of the CEQA process, and

WHEREAS, CONSULTANT represents that it is qualified, willing, and able to provide the additional services to prepare said Mitigated Negative Declaration within the required time,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a second amendment to the contract with Dokken Engineering in the not-to-exceed amount of $11,414.41 to process CEQA (California Environmental Quality Act) clearance as a mitigated negative declaration.
BE IT FURTHER RESOLVED that the execution of said amendment by the City Manager or his authorized designee is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of September, 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
A RESOLUTION APPROVING THE ISSUANCE OF A REQUEST FOR BIDS FOR A TYPE III (WILDLAND) ENGINE AT THE ESTIMATED COST OF $60,000.00.

WHEREAS, the Type III vehicle will be used for vegetation fires, and
WHEREAS, the Type III vehicle will be used to replace an existing International vehicle which has been converted to a quasi-Type III vehicle, and
WHEREAS, the converted quasi-Type III vehicle no longer meets Department of Transportation requirements for this type of vehicle, and
WHEREAS, the anticipated cost of the Type III vehicle will be approximately $60,000.00, and
WHEREAS, by soliciting competitive bids for the Type III vehicle, the Fire Department will comply with the Modesto Municipal Code, Section 8-3.203, 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 Type III vehicle is hereby approved as follows:

SECTION 1. The City Clerk is hereby authorized to call for public competitive sealed bids for a Type III vehicle 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 24th day of September, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich, City Attorney
A RESOLUTION AMENDING THE BUDGET TO CHANGE THE NAME OF AIRPORT PROJECT N020 FROM RUNWAY PAVEMENT EVALUATION TO AIRPORT PAVEMENT EVALUATION AND RECONSTRUCTION, AND APPROPRIATE AN ADDITIONAL $783,833 TO 6320 440 N020

WHEREAS, the Modesto City Council approved a project titled N020 Runway Pavement Evaluation in December 2001 with a budget of $49,500, and

WHEREAS, the City submitted an Airport Improvement Program (AIP) application to the Federal Aviation Administration (FAA), which included a funding request for the pavement reconstruction in January 2002, and

WHEREAS, Shutt Moen Associates, airport engineers retained by the City, recently completed the pavement evaluation and have determined that RW10L/28R is in need of rehabilitation as well as portions of the air carrier apron, and have recommended that TW-A be seal coated to extend the useful life of its surface, and

WHEREAS, City staff has received notice from the FAA that federal funding in the amount of approximately $750,000 has been programmed for airport pavement repairs and runway reconstruction improvements, and

WHEREAS, the City's local match is to be provided by the airport's Passenger Facility Charge and aircraft taxes collected in FY 2002 from aircraft owners that relocated their aircraft from Santa Clara County,
NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that it hereby amends the FY 2002-03 budget to change the name of Project N020 from Runway Pavement Evaluation to Airport Pavement Evaluation and Reconstruction.

BE IT FURTHER RESOLVED, that the budget is increased to appropriate an additional $783,833 to account 6320 440 N020 bringing the current budget for the project to $833,333, and anticipating that additional federal funds will be appropriated to the project in FY 2003.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of September, 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

(SEAL)

APPROVED AS TO FORM:

by Michael D. Milich, City Attorney

10/24/02/E&I/H Cook 2002-472
A RESOLUTION APPROVING AN AGREEMENT WITH SHUTT MOEN ASSOCIATES IN THE AMOUNT OF $72,000 FOR THE ENGINEERING DESIGN OF THE AIRPORT'S PAVEMENT RECONSTRUCTION FOR RW10L/28R, PORTIONS OF THE AIR CARRIER APRON AND SEAL COATING TW-A AND TAXIWAYS CONNECTING TW-A WITH RW10L/28R AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNATED REPRESENTATIVE TO EXECUTE THE CONTRACT ON BEHALF OF THE CITY

WHEREAS, Modesto City-County Airport has a project planned and partially budgeted to reconstruct the pavement of RW10L/28R, portions of the air carrier apron and seal coating TW-A, the parallel taxiway for RW10L/28R, and

WHEREAS, the project is an Airport Improvement Program project, and it requires plans and specifications that require the Federal Aviation Administration (FAA) approval before construction can commence, and

WHEREAS, Shutt Moen Associates is an airport engineering firm with a professional staff recognized by the FAA for its quality project design work for airport projects, and

WHEREAS, airport staff has negotiated a contract for the project design that staff finds acceptable as it is within the allowable percentage of total projects in accordance with FAA directives, and

WHEREAS, Shutt Moen was involved in the airport pavement assessment study, and staff believes using Shutt Moen to design the pavement reconstruction is in the best interests of the City,
protocols for testing methods including the need for special laboratory certification and reporting requirements, and

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

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

WHEREAS, by Resolution No. 2002-291, Council authorized the solicitation of formal bids for Water Quality Testing Services, and

WHEREAS, the Purchasing Division solicited formal bids for Water Quality Testing Services from ten (10) vendors with five (5) vendors choosing to respond to the Request for Bid (RFB), and

WHEREAS, staff recommends that the City award the bid for Water Quality Testing Services to a primary vendor, with a second, third, fourth and fifth vendor being used as backups, in the event the primary vendor cannot perform the required testing services within the given time frames, is not licensed to perform the specific testing required, or is less cost effective for the testing series, and

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto that it hereby awards the bid for Water Quality Testing Services to the following vendors in order of award: 1) BSK Labs, Fresno, CA, 2) Sequoia Analytical, Morgan Hill, CA, 3) FGL Environmental, Stockton, CA, 4) GeoAnalytical Laboratories Inc., Modesto, CA, 5) JL Analytical Services, Modesto, CA, for a combined approximate annual cost of $350,000.00.
BE IT FURTHER RESOLVED that the Purchasing Supervisor is hereby authorized to issue price agreements for a three (3) year period to BSK Laboratories, Sequoia Analytical, FGL Environmental, GeoAnalytical Laboratories Inc., and JL Analytical Services, with the option of two (2) one-year contract extensions.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of September, 2002 by Councilmember Jackman, 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. 2002-475


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

WHEREAS, the Consolidated Annual Performance and Evaluation Report (CAPER) reflects the activity of the City and its sub-recipients for the period of July 1, 2001, through June 30, 2002, and

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

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

WHEREAS, a public comment period was held from September 8, 2002 through September 24, 2002, and

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

WHEREAS, the Citizens Housing and Community Development Committee met on September 20, 2002, and reviewed and approved the CAPER, and

WHEREAS, a duly noticed public hearing was held by the Council on September 24, 2002, at 5:30 p.m., in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, to consider approval of the CAPER,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

1. That the Consolidated Annual Performance and Evaluation Report for Fiscal Year 2001-02 is hereby approved subject to any correction for accuracy being made by the City Manager, and a copy of said Report is on file in the office of the City Clerk.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of September, 2002, by Councilmember Jackman, 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. 2002-476

A RESOLUTION APPROVING SELECTION OF THE AUDIT FIRM TO PERFORM AUDITS OF THE CITY OF MODESTO COMMUNITY FACILITIES DISTRICTS, AND AUTHORIZING NEGOTIATION OF A CONTRACT FOR THESE SERVICES, SUBJECT TO COUNCIL APPROVAL.

WHEREAS, the City Council, on June 11, 2002, directed the City Manager, with assistance from the City Clerk & Auditor, to obtain proposals for audits of the City of Modesto Community Facilities Districts, and

WHEREAS, the Audit Committee has been designated as the committee under whose supervision and oversight the audits will be conducted, and

WHEREAS, the Audit Committee has received five responses to its Requests for Proposals for these audit services, and

WHEREAS, the Audit Committee has interviewed the two audit firms best qualified, in its judgment, to perform these audit services, and

WHEREAS, the Audit Committee has recommended Vavrinek, Trine, Day & Co, LLP, as the audit firm best qualified to perform these audit services at the lowest cost,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the Audit Committee, with assistance from the City Manager's staff and the City Clerk & Auditor's staff, to negotiate a contract with the above named audit firm for these audit services, and to return the contract to the Council for final approval at the earliest feasible date.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of September, 2002, by Councilmember Conrad, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Keating, O’Bryant, Mayor Sabatino

NOES: Councilmembers: Frohman, Jackman

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk

APPROVED AS TO FORM:

BY: Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2002-477

A RESOLUTION APPROVING A PURCHASE AGREEMENT WITH DANO CONSTRUCTION FOR APPROXIMATELY 5.5 ACRES (APN 034-15-01, 034-15-02 AND 034-18-03) FOR USE AS A TRAILHEAD AND SCENIC OVERLOOK, CONTINGENT ON CITY ACCEPTANCE OF THE REQUIRED ENVIRONMENTAL REPORTS, AND AUTHORIZING THE CITY MANAGER TO EXECUTE ALL PURCHASE DOCUMENTS.

WHEREAS, the City desires to purchase approximately 5.5 acres of property located on Scenic Drive abutting Dry Creek for use as a trailhead and scenic overlook, and

WHEREAS, Dan Monterosso (Dano Construction) owns parcels known as APN 034-15-01, 034-15-02 AND 034-18-03, and

WHEREAS, Dan Monterosso has agreed to sell these parcels to the City for a total purchase price of $1,050,000,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves a Purchase Agreement with Dano Construction for approximately 5.5 acres (APN 034-15-01, 034-15-02 and 034-15-03) for use as a trailhead and scenic overlook, contingent on City acceptance of the required environmental reports.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the purchase agreement and any related documents necessary to close escrow.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of September, 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: Fisher, Frohman, Jackman, Mayor Sabatino

NOES: Councilmembers: Conrad, Keating, O'Bryant

ABSENT: Councilmembers: None

Attest: __________________________  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: ___________________________  
MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2002-478

A RESOLUTION AMENDING THE FISCAL YEAR 2002-03 CAPITAL IMPROVEMENT PROGRAM BUDGET TO: A) ESTABLISH A NEW CIP PROJECT IN FUND 1400 TITLED “SCENIC AVENUE TRAILHEAD”; B) AMEND PROJECT 1430-310-3122 TO ELIMINATE THE DEVELOPMENT OF THE PEGGY MENSINGER TRAIL TRAILHEAD IN THE DESCRIPTION; C) RE-PROGRAM $182,000 FROM PROJECT 1430-310-3122 TO THE NEW CIP PROJECT; AND, D) TRANSFER $895,600 FROM THE GENERAL FUND RESERVE TO THE NEW CIP PROJECT, IN THE FORM OF A LOAN TO BE RE-PAID FROM FUTURE LOCAL TRANSPORTATION, NON-MOTORIZED, FUNDS AND AIR QUALITY CAPITAL FACILITIES FEES.

WHEREAS, the City desires to purchase approximately 5.5 acres of property located on Scenic Drive abutting Dry Creek for use as a trailhead and scenic overlook, and

WHEREAS, Dan Monterosso (Dano Construction) owns parcels known as APN 034-15-01, 034-15-02 AND 034-18-03, and

WHEREAS, Dan Monterosso has agreed to sell these parcels to the City for a total purchase price of $1,050,000, and

WHEREAS, an additional $20,000 is needed for closing costs, and $7,600 is needed for an environmental study, and

WHEREAS, in order to provide funding for this acquisition, a new Capital Improvement Program (CIP) project needs to be established, and

WHEREAS, $182,000 is available in CIP project 1430-310-3122, Non-Motorized Trail System Improvements, previously identified for the Peggy Mensinger Trail, and

WHEREAS, the balance of $895,600 will be provided from 0100-800-8000-8003, General Fund Reserve, as a loan to be re-paid from future Fund 1430 funds (Air Quality Capital Facilities Fees) and future Fund 0520 funds (Local Transportation Fund, Non-Motorized).
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby amends the Fiscal Year 2002-03 Capital Improvement Program budget to: a) establish a new CIP project in Fund 1400 titled “Scenic Avenue Trailhead”; b) amend project 1430-310-3122 to eliminate the development of the Peggy Mensinger Trail trailhead in the description; c) re-program $182,000 from project 1430-310-3122 to the new CIP project; and d) transfer $895,600 from the General Fund Reserve to the new CIP project, in the form of a loan to be re-paid from future Local Transportation, Non-Motorized, and Air Quality Capital Facilities Fees funds.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of September, 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: Fisher, Frohman, Jackman, Mayor Sabatino

NOES: Councilmembers: Conrad, Keating, O’Bryant

ABSENT: Councilmembers: None

Attest: ______________________
JEAN ZAHN, City Clerk

APPROVED AS TO FORM:

By: _______________________
MICHAEL D. MILICH, City Attorney
A RESOLUTION APPOINTING SEVEN HIGH SCHOOL STUDENTS TO THE MODESTO YOUTH COMMISSION

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

WHEREAS, as authorized by Resolution No. 89-443, principals from the High Schools within the City Limits of the City of Modesto have recommended students to serve as Modesto Youth Commissioners,

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

SECTION 1. Seven Modesto area high school students are hereby appointed to the Modesto Youth Commission, with a two year term limit, as follows:

- Beyer High School
  - Junior Daniel Thompson
- Central Catholic High School
  - Junior Joseph Speaker
- Davis High School
  - Junior Jennica Dinnell
- Downey High School
  - Junior Jerad Prasad
- Johansen High School
  - Junior Jesse Dashe
- Modesto Christian School
  - Junior Connor Pearce
- Modesto High School
  - Junior Okon Harris

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed members of the Modesto Youth Commission, and the Secretary thereof.
The foregoing resolution was introduced at a regular meeting of the
Council of the City of Modesto held on the 24th day of September, 2001, by
Councilmember Fisher, who moved its adoption, which motion being duly seconded by
Councilmember Frohman, was upon roll call carried and the resolution adopted by the
following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2002-480

A RESOLUTION APPOINTING MEMBERS TO THE AD HOC HOUSING ELEMENT ADVISORY COMMITTEE

WHEREAS, the City of Modesto adopted the Urban Area General Plan on August 15, 1995, by Resolution No. 95-409, in accordance with State of California Government Code Section 65302, and

WHEREAS, the State of California Government Code Section 65302 requires the inclusion of a Housing Element (as provided in Government Code Section 65580 et seq.) as part of the City’s General Plan, and

WHEREAS, the State of California Government Code Section 65588 (e) (6) requires the City of Modesto to revise and update its Housing Element by December 31, 2003, and

WHEREAS, the revision to and update of the Housing Element will address many issues, including identifying existing and projected housing needs, identifying appropriate resources to address housing needs, identifying existing and proposed housing programs, identifying appropriate economic and job development goals and strategies, and

WHEREAS, many interested parties in the community are interested and concerned in addressing the housing challenges and opportunities in the City, and

WHEREAS, the State of California requires that the City provide opportunities for public participation during the housing element update process, and
WHEREAS, the Planning Commission, the Citizens Housing and Community Development Committee, and the Citizens Redevelopment Advisory Committee each are involved in carrying-out housing policy for the City of Modesto, and

WHEREAS, a joint advisory body consisting of representatives from diverse housing policy advisory committees can provide a recommendation for a comprehensive housing policy, and

WHEREAS, the Housing Element Advisory Committee was established by the City Council on September 3, 2002, to facilitate the update of the Housing Element of the Urban Area General Plan and serve only during this process,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Housing Element Advisory Committee shall consists of the following persons:

1. Mr. Ray Feller, Planning Commissioner
2. Mr. Chris Harrigfield, Committee member of the Citizens Housing and Community Development Committee
3. Mr. Lee Hedgepeth, Citizens Redevelopment Advisory Commissioner.
5. Councilmember Jackman
The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 24th day of September, 2002, by Mayor Sabatino, who
moved its adoption, which motion being duly seconded by Councilmember O'Bryant,
was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST ________________________________
Sean Zahr, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: ________________________________

Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2002-481

A RESOLUTION AUTHORIZING BID AWARD OF VARIABLE FREQUENCY DRIVES (VFD'S) TO WESCO DISTRIBUTION FOR AN ANNUAL COST OF $69,130.00 AND AUTHORIZING A THREE (3) YEAR PRICE AGREEMENT IN THE AMOUNT OF $207,390.00 OVER THE THREE-YEAR PERIOD

WHEREAS, the Operations and Maintenance Department is responsible for maintaining the City water systems, and

WHEREAS, the Operations and Maintenance Department has requested the purchase of variable frequency drives which are used to stabilize water pressure within the water system, and

WHEREAS, the variable frequency drives will be used to replace existing drives which are failing, and

WHEREAS, the estimated annual cost of variable frequency drives will be $69,130.00, and

WHEREAS, the estimated cost for VFD replacement over the course of the three-year price agreement will be $207,390.00, and

WHEREAS, the Modesto Municipal Code, Section 8-3.203 generally requires that all purchases exceeding $50,000.00 for material, equipment, or contractual services to be awarded to the lowest responsible bidder, and

WHEREAS, Industrial Electric submitted the lowest bid, which did not meet City bid specifications and was deemed non-responsive, and

WHEREAS, Wesco Distribution submitted the lowest responsive bid.
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid award of variable frequency drives to Wesco Distribution for an annual cost of $69,130.00 is hereby approved.

BE IT FURTHER RESOLVED, that Council hereby authorizes a three (3) year price agreement for variable frequency drives in the estimated amount of $207,390.00.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of October, 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, O’Bryant, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Jackman, Keating

ATTEST: Jean Zahr, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2002-482

A RESOLUTION AUTHORIZING THE PURCHASING SUPERVISOR TO
PURCHASE SEVENTEEN (17) USED SEDAN VEHICLES AT WHOLESALE
AUCTION FROM VARIOUS COMPANIES FOR AN ESTIMATED COST OF
$272,000.00.

WHEREAS, the Operations and Maintenance Department-Fleet Services Division
has requested the purchase of seventeen (17) used sedan vehicles, and

WHEREAS, the sedans will replace current vehicles budgeted for replacement,
and

WHEREAS, three of the sedans will be used by supervisory staff in the
Community Forestry, Fire Prevention and Construction Administration Division, and

WHEREAS, the remaining fourteen (14) sedans will be used by the Modesto
Police Department by their investigation and administrative staff, and

WHEREAS, Fleet Services Division staff will attend various wholesale auctions
held throughout California, and purchase seventeen sedan vehicles by auction at a cost
not to exceed $272,000.00, and

WHEREAS, the Finance Committee at their meeting on August 26, 2002,
requested that only critical pieces of equipment and vehicles be forwarded to Council on
an individual “as needed” basis, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all
purchases exceeding $50,000.00 for materials and equipment of this type to be bid, and

WHEREAS, Modesto Municipal Code Section 8.3-204 (d) allows the Purchasing
Supervisor discretion to determine that a process other than the formal bid procedure will
result in a procurement for the City at the lowest possible cost commensurate with the
desired quality, and
WHEREAS, the authorization to purchase these used sedans is being made due to
the limited window of opportunity for staff to purchase the types of sedans needed at
wholesale auctions, and

WHEREAS, vehicles that meet our profile are available in large quantities at
wholesale auctions during the months of September through November, and

WHEREAS, by purchasing the sedans at the used wholesale auctions,
considerable savings are realized, and

WHEREAS, if the sedans cannot be purchased at the auctions, used vehicles
could be purchased at a later date, but at an increased cost,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that the Purchasing Supervisor is hereby authorized to issue a purchase order to various
companies in a amount not to exceed $272,000.00 for seventeen (17) used sedan vehicles.

The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 1st day of October, 2002, by Councilmember Fisher,
who moved its adoption, which motion being duly seconded by Mayor Sabatino, was
upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, O'Bryant, Mayor Sabatino

NOES: Councilmembers: Frohman

ABSENT: Councilmembers: Jackman, Keating

ATTEST: JEAN ZAHR, City Clerk

APPROVED AS TO FORM:
By: Michael D. Milich, City Attorney
A RESOLUTION AUTHORIZING THE PURCHASING SUPERVISOR TO PURCHASE TWO (2) VAC-CON COMBINATION SEWER & STORM DRAIN CLEANERS FROM MUNICIPAL MAINTENANCE EQUIPMENT OF SACRAMENTO, CALIFORNIA FOR A TOTAL COST OF $464,832.82 AND THREE (3) ELGIN EAGLE F SERIES BROOM SWEEPERS FROM RICKER MACHINERY OF OAKLAND, CALIFORNIA FOR A TOTAL COST OF $540,222.26. (THE GRAND TOTAL COST IS $969,055.08).

WHEREAS, the Operations and Maintenance Department has requested the purchase of two (2) Vac-Con Combination Sewer & Storm Drain Cleaner and three (3) Elgin Eagle F Series Broom Sweepers, and

WHEREAS, City of Modesto Department “Users” Divisions have paid into the Fleet Replacement Fund over the life of the vehicles to fund these replacements, and

WHEREAS, this equipment is being purchased to replace existing vacuum trucks and sweepers, which have become unreliable, costly to keep up, and which have maintenance and repair issues that will incur unacceptable high costs, and

WHEREAS, the (2) Vac-Con units are used by the Wastewater Collections Division to clean and maintain sewer pipes, and

WHEREAS, routine maintenance and repairs performed by these trucks are part of the City’s program to comply with the Clean Water Act, and

WHEREAS, the three street sweepers are used by the Street Division, and

WHEREAS, street sweeping operations are part of ongoing efforts to keep Modesto’s streets clean and debris free, and

WHEREAS, the sweeping operations also are part of the City’s program to comply with the NPDES Permit by keeping road debris out of storm water inlets, and
WHEREAS, the pricing offered to the City for this equipment is based on
competitively bid contracts from San Joaquin County and the City of Salinas, and
WHEREAS, by “piggybacking” the San Joaquin and City of Salinas
competitively bid pricing contracts the City will conform to MMC 8-3.204 (d),
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that the Purchasing Supervisor is hereby authorized to issue a purchase order to
Municipal Maintenance Equipment of Sacramento, California, for 2 Vac-Con
Combination Sewer & Storm Drain Cleaners in the amount of $464,832.82.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the
Purchasing Supervisor is hereby authorized to issue a purchase order to Ricker
Machinery of Oakland, California, for 3 Elgin F Series Broom Sweepers in the amount of
$504,222.26.

The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 1st day of October, 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, O’Bryant,
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Jackman, Keating

ATTEST:  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By:  
Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2002-484

A RESOLUTION AFFIRMING A COMMITMENT TO FUND A PORTION OF A CONTRACT, IN THE AMOUNT OF $5,000, FOR A KEYNOTE SPEAKER FOR THE CELEBRATION OF THE 2003 MARTIN LUTHER KING, JR. HOLIDAY. THE CONTRACT WILL BE BETWEEN THE MODESTO PEACE LIFE CENTER AND DR. MAE JEMISON.

WHEREAS, for many years, the City of Modesto has participated with other community organizations in events that commemorate the life and work of the Reverend Martin Luther King, Jr., and

WHEREAS, the proposed keynote speaker for the 2003 celebration is Dr. Mae Jemison, and

WHEREAS, the Modesto Peace Life Center will enter into a contract with Dr. Jemison, and

WHEREAS, the City has budgeted $5,000 toward the cost of the speaker for this event, and

WHEREAS, the Safety and Communities Committee met on September 4, 2002, and supported the recommendation to commit the budgeted $5,000 toward the Modesto Peace Life Center’s contract with Dr. Mae Jemison,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby affirms a commitment to fund a portion of a contract between the Modesto Peace Life Center and Dr. Mae Jemison, in the amount of $5,000, for the celebration of the 2003 Martin Luther King, Jr. holiday.
The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 1st day of October, 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, O’Bryant,
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Jackman, Keating

APPROVED AS TO FORM:

By: 
MICHAEL D. MILICH, City Attorney

Attest: 
JEAN ZAHR, City Clerk
A RESOLUTION GRANTING PERMISSION FOR BETTY FORBES, DAUGHTER OF LAVERNE SHIPMAN, AND HER EXTENDED FAMILY, TO REMAIN IN THE HOME AT 1920 SOMERSET DRIVE WITHOUT LEGAL ACTION AND AUTHORIZING STAFF TO NOTIFY MS. FORBES, IN WRITING, THAT THE EMERGENCY HOME REPAIR LOAN MADE TO MRS. SHIPMAN WILL BE REVIEWED UPON THE LOAN’S MATURITY, DECEMBER 20, 2004.

WHEREAS, in December, 1984, a deferred payment 20-year Emergency Home Repair Loan at 3% interest was made to Mrs. Laverne Shipman for rehabilitation of her home at 1920 Somerset Drive, and

WHEREAS, this loan required owner occupancy, and

WHEREAS, since that time Mrs. Shipman has passed away, and

WHEREAS, her daughter, Betty Forbes, and extended family now occupy the home, and

WHEREAS, staff is recommending that Mrs. Forbes and her family be allowed to remain in the house, and

WHEREAS, staff is further recommending that the loan be reviewed upon its maturity on December 20, 2004, and

WHEREAS, the Housing Rehabilitation Loan Committee met on September 5, 2002, and supported the recommendation to grant permission for Betty Forbes, daughter of Laverne Shipman, and her extended family to remain in the home at 1920 Somerset Drive without legal action and authorizing staff to notify Ms. Forbes, in writing, that the Emergency Home Repair Loan made to Mrs. Shipman will be reviewed upon the loan’s maturity, December 20, 2004,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby grants permission for Betty Forbes, daughter of Laverne Shipman, and her extended family to remain in the home at 1920 Somerset Drive without legal action and authorizing staff to notify Ms. Forbes, in writing, that the Emergency Home Repair Loan made to Mrs. Shipman will be reviewed upon the loan's maturity, December 20, 2004.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of October 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, O’Bryant
      Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Jackman, Keating

Attest: Jean Zahr, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich, City Attorney
A RESOLUTION GRANTING PERMISSION FOR CHARLES TITTLE, SON OF GENEVA TITTLE, TO REMAIN IN THE HOME AT 417 YOSEMITE AVENUE WITHOUT LEGAL ACTION AND AUTHORIZING STAFF TO NOTIFY MR. TITTLE, IN WRITING, THAT THE HOUSING MAINTENANCE PROGRAM LOAN MADE TO MRS. TITTLE WILL BE REVIEWED UPON THE LOAN’S MATURITY, MARCH 10, 2006.

WHEREAS, in March 1986, a deferred payment 20-year Housing Maintenance Program Loan at 3% interest was made to Mrs. Geneva Tittle for rehabilitation of her home at 417 Yosemite Avenue, and

WHEREAS, this loan required owner occupancy, and

WHEREAS, since that time Mrs. Tittle has passed away, and

WHEREAS, her son, Charles Tittle, now occupies the home, and

WHEREAS, staff is recommending that Mr. Tittle be allowed to remain in the house, and

WHEREAS, staff is further recommending that the loan be reviewed upon its maturity on March 10, 2006, and

WHEREAS, the Housing Rehabilitation Loan Committee met on September 5, 2002, and supported the recommendation to grant permission for Charles Tittle, son of Geneva Tittle, to remain in the home at 417 Yosemite Avenue without legal action and authorizing staff to notify Mr. Tittle, in writing, that the Housing Maintenance Program Loan made to Mrs. Tittle will be reviewed upon the loan’s maturity, March 10, 2006,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby grants permission for Charles Tittle, son of Geneva Tittle, to remain in the home at 417 Yosemite Avenue without legal action and authorizing staff to notify Mr. Tittle, in writing, that the Housing Maintenance Program Loan made to Mrs. Tittle will be reviewed upon the loan’s maturity, March 10, 2006.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of October 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, O’Bryant
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Jackman, Keating

Attest: Jean Zahr
City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich, City Attorney
A RESOLUTION AUTHORIZING STAFF TO SOLICIT REQUESTS FOR QUALIFICATIONS FOR THE ACQUISITION AND IMPLEMENTATION OF A DAY FACILITY FOR HOMELESS INDIVIDUALS IN MODESTO.

WHEREAS, staff has been working with community groups and interested citizens to find resolution to problems associated with homelessness, and

WHEREAS, one of the recommendations is to establish a day facility for homeless individuals, and

WHEREAS, staff now desires to solicit Requests for Qualifications (RFQ’s) for the acquisition and implementation of a day facility for homeless individuals, and

WHEREAS, the Safety and Communities Committee met on September 4, 2002, and supported the recommendation to solicit Requests for Qualifications (RFQ’s) for the acquisition and implementation of a day facility for homeless individuals,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby authorizes staff to solicit Requests for Qualifications (RFQ’s) for the acquisition and implementation of a day facility for homeless individuals.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of October, 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, O’Bryant, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Jackman, Keating

Attest: JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2002-488

A RESOLUTION AMENDING THE FISCAL YEAR 2002-03 CAPITAL IMPROVEMENT PROGRAM BUDGET TO ESTABLISH A NEW PROJECT, HOMELESS DAY FACILITY IN FUND 1130 AND TO APPROPRIATE $150,000 FROM 1130-800-8000-8003, CDBG FUND RESERVE TO SAID PROJECT.

WHEREAS, staff has been working with community groups and interested citizens to find resolution to problems associated with homelessness, and

WHEREAS, one of the recommendations is to establish a day facility for homeless individuals, and

WHEREAS, staff now desires to solicit Requests for Qualifications (RFQ’s) for the acquisition and implementation of a day facility for homeless individuals, and

WHEREAS, in order to provide funds for the project, a new Capital Improvement Program project needs to be established, and

WHEREAS, previously allocated, but unspent, funding is available in the CDBG Fund Reserve, in the amount of $150,000, and

WHEREAS, the Safety and Communities Committee met on September 4, 2002, and supported the recommendation to solicit Requests for Qualifications (RFQ’s) for the acquisition and implementation of a day facility for homeless individuals,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby amends the Capital Improvement Program budget to establish a new project, titled “Homeless Day Facility” in Fund 1130 and appropriate $150,000 from 1130-800-8000-8003, CDBG Fund Reserve to the new project.
The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 1st day of October, 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, O'Bryant,
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Jackman, Keating

Attest: Jean Zahr, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich, City Attorney
A RESOLUTION APPROVING THE HOUSING AUTHORITY OF THE COUNTY OF STANISLAUS AS THE FIRM TO DEVELOP AN AFFORDABLE HOUSING DEVELOPMENT IN VILLAGE I.

WHEREAS, on April 16, 2002, the Parks, Recreation and Neighborhoods Department issued a Request for Qualifications for an Affordable Housing Development Program for pre-development funding in Village I, and

WHEREAS, one application was submitted by the Housing Authority of the County of Stanislaus ("Housing Authority"), and

WHEREAS, a review committee of staff and members of the Citizens Housing and Community Development Committee interviewed the Housing Authority and agreed unanimously that the Housing Authority and consulting team are well qualified to complete an affordable housing project in Village I, and

WHEREAS, the Citizens Housing and Community Development Committee met on August 23, 2002, and supported the recommendation to approve the Housing Authority of the County of Stanislaus as the firm to develop an affordable housing development in Village I,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Housing Authority of the County of Stanislaus as the firm to develop an affordable housing development in Village I.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of October 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, Frohman, O'Bryant Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher, Jackman, Keating

APPROVED AS TO FORM:

By: 
MICHAEL D. MILICH, City Attorney

Attest: 
JEAN ZAHN, City Clerk

2002-489
MODESTO CITY COUNCIL  
RESOLUTION NO. 2002-490  

A RESOLUTION CANCELLING THE NOVEMBER 5, 2002 REGULARLY SCHEDULED CITY COUNCIL MEETING AND SCHEDULING A SPECIAL CITY COUNCIL MEETING ON NOVEMBER 6, 2002.

WHEREAS, the Statewide Gubernatorial Election is scheduled for Tuesday, November 5, 2002, and

WHEREAS, the City Council has a regularly scheduled City Council meeting on November 5, 2002, and

WHEREAS, Councilmember Conrad requested that the City Council move its meeting date to Wednesday, November 6, 2002,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby cancels its regularly scheduled meeting for November 5, 2002.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that it hereby calls a special meeting to be held November 6, 2002 at 5:30 PM in the Tenth Street Place Chambers.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of October 2002, by Councilmember Conrad, who moved its adoption, which motion being duly seconded by Councilmember Fisher was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Jackman

APPROVED AS TO FORM:

By: MICHAEL D. MILICH, City Attorney
A RESOLUTION AUTHORIZING STAFF TO SOLICIT A REQUEST FOR PROPOSALS FOR CAR RENTAL SERVICES AT MODESTO CITY-COUNTY AIRPORT

WHEREAS, it is common practice for car rental concessions to be located in airport passenger terminal, and

WHEREAS, Avis and Hertz have the car rental concessions at Modesto City-County Airport, and their lease agreements have expired and they are operating the concessions on a hold-over clause in their lease, and

WHEREAS, Hertz Car Rental no longer staffs their airport operation as required by their lease, and have only been paying the City the minimum required by their lease to hold their concession counter at Modesto City-County Airport, and

WHEREAS, Avis Car Rental is interested in negotiating a new lease with the City, and

WHEREAS, it is common practice for airports to periodically request proposals from interested car rental companies to do business on airport property, and

WHEREAS, airport staff has received inquiries from other car rental operators about establishing a concession at the Modesto City-County Airport, and

WHEREAS, the Council's Economic Development Committee has reviewed the recommendation to request proposals, and approved the solicitation of RFPs at its meeting on August 12, 2002,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes staff to solicit a Request for Proposals from interested car rental operators to provide service at the airport’s passenger terminal.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of October 2002 by Councilmember Fisher who moved for its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote.

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

NOES: Councilmember: None

ABSENT: Councilmember: Jackman

ATTEST: 

JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

by: MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2002-492

A RESOLUTION AUTHORIZING THE ADDITION OF ONE BUS TO
MODESTO AREA EXPRESS ROUTE 25 TO TAKE EFFECT JANUARY 2003.

WHEREAS, the City of Modesto's Strategic Plan includes Strategy III.B.1:

"Develop an efficient, well-coordinated, county-wide, multi-modal transportation
system”, and

WHEREAS, the Modesto Area Express bus service is a critical component of the transportation system, and

WHEREAS, Route 25 is a highly utilized route in need of an additional bus, and

WHEREAS, by a report to the Council dated September 17, 2002, from the Engineering and Transportation Department, City staff recommended the addition of one bus to Route 25, a copy of said report is attached hereto and incorporated herein by reference, and

WHEREAS, this service expansion cost is included in the FY 2003 adopted budget,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Transit Manager is hereby directed to provide an additional bus on Route 25 effective January 2003.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of October 2002 by Councilmember Fisher who moved for its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote.

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

NOES: Councilmember: None

ABSENT: Councilmember: Jackman

ATTEST: 
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
MICHAEL D. MILICH, City Attorney
A RESOLUTION INCREASING THE ENGINEERING AND TRANSPORTATION DIRECTOR’S AUTHORITY LEVEL TO ISSUE CHANGE ORDERS BY $85,000 ON THE “NEW POLICE HEADQUARTERS BUILDING – BID PACKAGE NO. 3” PROJECT.

WHEREAS, on December 11, 2001, the City Council awarded a $2,279,820.00 contract to Bollo Construction Incorporated, to renovate the existing Police Headquarters Building at 601 11th Street, and

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

WHEREAS, by Resolution No. 2002-207, the City Council increased the Director of Engineering and Transportation’s change order authority for the project from 8 percent to 19 percent of the original contract price to the amount of $433,186, and

WHEREAS, staff recommends having Bollo Construction Incorporated, install telephone and data cabling, which is in excess of the authority given to the Director of Engineering and Transportation by said resolution, and

WHEREAS, by Resolution No. 2002-429, the City Council appropriated $85,000 to fund the increase for telephone installation, data cabling and other equipment,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby increases the Engineering and Transportation Director’s authority level by $85,000, to allow execution of change orders up to a cumulative total amount of $518,186, for the project entitled “New Police Headquarters Building – Bid Package No. 3".
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of October 2002 by Councilmember Fisher who moved for its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote.

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

NOES: Councilmember: None

ABSENT: Councilmember: Jackman

ATTEST: [Signature]

JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By [Signature]

MICHAEL D. MILICH, City Attorney
A RESOLUTION ACCEPTING THE PROJECT TITLED "NEW POLICE HEADQUARTERS BUILDING – BID PACKAGE NO. 2" AS SUBSTANTIALLY COMPLETE

WHEREAS, a contract was awarded to Greg Opinski Construction, Inc. for construction of the project "New Police Headquarters Building – Bid Package No. 2" on April 27, 1999, and

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project has been substantially completed,

NOW, THEREFORE, BE IT RESOLVED that the "New Police Headquarters Building – Bid Package No. 2" be accepted from said contractor, Greg Opinski Construction, Inc., that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $5,942,147.48 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 8th day of October 2002 by Councilmember Fisher who moved for its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote.

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

NOES: Councilmember: None

ABSENT: Councilmember: Jackman

ATTEST: JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
A RESOLUTION APPROVING A PROFESSIONAL SERVICE AGREEMENT WITH MBIA MUNISERVICES COMPANY (MMC) TO PROVIDE A UTILITY USERS TAX/FRANCHISE FEE AUDIT, COMPLIANCE AND REVENUE PROTECTION PROGRAM WHICH CHANGES FROM A CONTINGENCY FEE BASIS TO A FIXED FEE BASIS AND AUTHORIZING THE CITY MANAGER TO EXECUTE SAID AGREEMENT.

WHEREAS, the City of Modesto, by Resolution No. 89-532, approved an agreement with Municipal Resource Consultants to provide sales tax audit services, and

WHEREAS, the City of Modesto, by Resolution No. 93-337, approved an amendment to the agreement with Municipal Resource Consultants to provide audits for business license tax, franchise fees, transient occupancy tax, utility users tax and documentary transfer tax, and

WHEREAS, MBIA MuniServices Company (MMC), the successor to Municipal Resource Consultants, has proposed changing from a contingency fee basis to a fixed fee program for utility users tax and franchise fee audits, and

WHEREAS, MMC has offered to provide a credit of approximately $175,000 for already paid contingency fees, which credit is projected to last until late 2004,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the agreement with MMC to change from a contingency fee basis to a fixed fee basis for services provided to the City.

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 8th day of October 2002 by Councilmember Fisher who moved for its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote.

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

NOES: Councilmember: None

ABSENT: Councilmember: Jackman

ATTEST: 

JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By 

MICHAEL D. MILICH, City Attorney
RESOLUTION ADOPTING STRATEGIC PLAN-BASED PERFORMANCE MEASURES FOR THE POLICE DEPARTMENT AND FOR THE PARKS, RECREATION AND NEIGHBORHOODS DEPARTMENT

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

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

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

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

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

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

WHEREAS, Performance Measures have been developed for the Police and Parks, Recreation and Neighborhoods Departments, and

WHEREAS, the proposed Performance Measures reflect Strategic Plan goals and Vision, are outcome based, include targets, benchmark against other jurisdictions, and include an interpretation of trends and spikes,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Police Department and Parks, Recreation and Neighborhoods
Department *Strategic Plan*-Based Performance Measures, attached hereto as *Exhibit A*, are hereby approved.

BE IT FURTHER RESOLVED that the Performance Measures be reported upon to the City Council on a quarterly basis using the methodology established in *Exhibit A*.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of October 2002 by Councilmember Fisher who moved for its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote.

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

NOES: Councilmember: None

ABSENT: Councilmember: Jackman

ATTEST: [Signature]
JEAN ZAHR, City Clerk

APPROVED AS TO FORM

By: [Signature]
MIKE MILICH, City Attorney
Attachment 1

Existing PR&N Performance Measures
Draft 2002-2003 Budget
# PARKS, RECREATION & NEIGHBORHOODS PERFORMANCE MEASURES

*City of Modesto*

## Administration:

<table>
<thead>
<tr>
<th>Type</th>
<th>Measure</th>
<th>Actual 99-00</th>
<th>Actual 00-01</th>
<th>Estimate 01-02</th>
<th>Budget 02-03</th>
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<td>Grant Proposals Funded (#)</td>
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<td>4</td>
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<td>53.00</td>
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<td>Staffing Level (actual vs. Authorized)</td>
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<td>84%</td>
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<td>% of Recruitments Successful</td>
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<td>85%</td>
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<td>Efficiency</td>
<td>Average Grant Value</td>
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## Parks Planning and Development Services Division:

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<td>Park Master Plans Started</td>
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<td>Quality</td>
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## Recreation and Neighborhood Services Division:

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<td>Rentals at Senior Citizens Center</td>
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<td>482</td>
<td>483</td>
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<td>Emergency Home Repair Clients</td>
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<td>Number of after-school Programs</td>
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<td>Number of Calls Received for Code Enforcement</td>
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<td>Adults Participating in Sports Leagues</td>
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<td>Attendees at Rentals at Senior Citizens Center</td>
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<td>Emergency Home Repair $ Spent</td>
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<td>Contributions by Co-sponsors</td>
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<td>Number of Youth in After-School Programs</td>
<td>640</td>
<td>897</td>
<td>1,075</td>
<td>875</td>
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<td>Number of Cases by Code Enforcement Officers in Response to Calls</td>
<td>5,948</td>
<td>6,831</td>
<td>7,526</td>
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PARKS, RECREATION & NEIGHBORHOODS PERFORMANCE MEASURES

City of Modesto

<table>
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<tr>
<th>Type</th>
<th>Measure</th>
<th>Actual</th>
<th>Actual</th>
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<td>01-02</td>
<td>02-03</td>
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<tr>
<td>Contributions by Co-sponsors</td>
<td>$160,000, $140,000, $120,000, $100,000, $80,000, $60,000, $40,000, $20,000, $0</td>
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<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Efficiency
- Participants per Adult Sports League: 784, 726, 623, 621
- Attendees per Senior Center Rental: 415, 415, 416, 433
- % of Youth per After School Program: 22, 23, 25, 25
- % of Code Enforcement Telephone Calls Requiring Follow-up: 83%, 83%, 83%, 83%

Quality
- Contributions per Co-sponsor: $1,884, $1,818, $2,105, $2,500
- # Businesses Receiving Pro-active Contact by Code Enforcement Officer: N.A., 90%, 90%, 90%
- % of Code Enforcement Cases Resolved: 100%, 100%, 100%, 100%

Cultural and Enterprise Services Division:

Input
- Events at Modesto Centre Plaza: 570, 600, 615, 620
- Golf Rounds Played: 155,180, 145,326, 153,725, 150,000
- Cultural Services Volunteer Hours: 12,600, 13,000, 13,500, 13,500
- Mansion and Museum Fundraisers (#): 7, 7, 7, 7
- Events at John Thurman Field: 77, 79, 80, 80

Output
- Event Attendees at Modesto Centre Plaza: 233,000, 240,000, 250,000, 250,365
- Green Fee Revenue: $2,024,165, $2,031,657, $2,149,048, $1,959,620
- Mansion and Museum Fundraisers ($): $80,000, $35,000, $35,000, $35,000
- Attendees at John Thurman Field: 145,348, 150,000, 150,000, 150,000

Quality
- Attendees per Event at Modesto Centre Plaza: 409, 400, 407, 407
- Attendees per Event at John Thurman Field: 1,888, 1,924, 1,913, 1,913

Efficiency
- Dollars Raised per Mansion/Museum Fundraiser: $11,429, $5,000, $5,000, $5,000
PARKS, RECREATION & NEIGHBORHOODS PERFORMANCE MEASURES

City of Modesto

<table>
<thead>
<tr>
<th>Type</th>
<th>Measure</th>
<th>Actual 99-00</th>
<th>Actual 00-01</th>
<th>Estimate 01-02</th>
<th>Budget 02-03</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chart</td>
<td>Green Fee Revenue per Round</td>
<td>$13.04</td>
<td>$13.98</td>
<td>$13.98</td>
<td>$13.06</td>
</tr>
</tbody>
</table>

**Green Fee Revenue Per Round**

Community Services Division:

**Input**
- # of Pay Station Services at City Hall at the Mall: 3
- # of Hours of Service at City Hall at the Mall: 3,891
- Funding Allocated to Youth/Senior/Disabled Financial Assistance Program: $109,000
- # of City Approved Co-sponsored Youth Sports Organizations: 21
- # of Full Time Equivalents Providing Reservation Services: 2

**Output**
- New Pay Station Services at City Hall at the Mall: 21,112
- # of Customers at City Hall at the Mall: 1
- # of Participants in Youth/Senior/Disabled Financial Assistance Program: 2,177
- # of Participants in Co-sponsored Sports Organizations: N.A.
- # of Reservation/Registration Transactions: N.A.
- Total Pay Station Services Offered at City Hall at the Mall: 3
- # of Youth Served per Co-sponsored Organization: N.A.

**Quality**
- Percent of Customers Satisfied with Services/Facilities: 85%
- Customers per Hour at City Hall at the Mall: 5.72

**Chart**
- $ Spent per Participant in Financial Assistance Program: $50.07

**Dollars Spent Per Financial Assistance Program Participant**

| Dollars | $50.07 | $49.55 | $49.55 | $50.00 |

**Customer Service**
- Percent of Customers Satisfied with Services/Facilities: 85%

**Efficiency**
- Customers per Hour at City Hall at the Mall: 5.72
Attachment 2

Proposed PR&N Department Performance Measures
Healthy & Safe Communities

Quarterly Progress Report

PARKS, RECREATION AND NEIGHBORHOODS DEPARTMENT

Mission:
We create community and enhance neighborhoods through people, parks, programs and facilities.

Strategic Goals:

Recreation & Neighborhoods
H.I. Identify opportunities for collaborative delivery of police, fire, recreation and neighborhood services.
H.II.A. Our actions develop and reinforce the sense of community and neighborhood sense of identity.
H.II.B. Incorporate open green areas in all neighborhoods, including trees, landscaping, parks and play areas.
H.II.C. Our neighborhoods are safe places to live, work, play and visit.

Housing
H.II.D. Promote a variety of housing types to address the diversity of needs for people throughout their life cycle and across income levels.
H.II.E. Promote home ownership.
H.II.F. Recreation facilities support interaction in the neighborhoods.

Social & Cultural
H.V. Actions support the safe and healthy, drug free, gang free, development of young people.
C.I. Provide opportunities for social interaction of residents from all backgrounds and walks of life.
C.II. Encourage Visual, Literary and Performing Arts in the Modesto Community.
C.III. Celebrate all cultures comprising the Modesto community.

Economic Development & Tourism
C.IV. Protect and preserve the City’s historical assets.
C.V. People from diverse social, ethnic and age groups interact through sports and entertainment.
I.A.2. The City is attractive, clean and well-landscaped.
X.B.1. Capitalize upon tourism opportunities which increase the City’s economic prosperity.
### Key Efficiency Measures:

#### Recreation and Neighborhoods:

<table>
<thead>
<tr>
<th>Performance Measure</th>
<th>Quarterly Results</th>
<th>2002-2003 Target</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>PRN-1. COLLABORATIVE SERVICE DELIVERY</strong></td>
<td>[Graph showing collaboration events per quarter]</td>
<td>Department staff will collaborate on 35 events per quarter.</td>
<td>Events for FY 01-02 Quarter 4 include: Cesar Chavez Park Re-naming Celebration, MoBand Café, Hotch Hetchy Bike Path Ribbon Cutting, 55 Alive Classes, Salvation Army Lunch Program, Special Olympics Friday Night Out, and the After School Learning Program.</td>
</tr>
<tr>
<td><strong>What:</strong> The department collaborates with other departments/agencies to deliver programs/events/activities.</td>
<td>[Graph showing collaboration events per quarter]</td>
<td>Staff will collaborate with a total of 35 departments/Agencies per quarter.</td>
<td></td>
</tr>
<tr>
<td><strong>Why:</strong> Measures level of collaboration. Diverse programs attract a wider spectrum of attendees and increase participation in events.</td>
<td></td>
<td>This measure includes special community events, meetings on problem properties, training exercises, etc.</td>
<td></td>
</tr>
<tr>
<td><strong>Strategic Plan Goal:</strong> H.I., C.V.</td>
<td></td>
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</tr>
<tr>
<td><strong>PRN-2. NEIGHBORHOOD IDENTITY</strong></td>
<td>[Graph showing neighborhood meetings per quarter]</td>
<td>The Department will conduct 15 capacity-building neighborhood meetings per quarter.</td>
<td>Capacity-building meetings include those with ad hoc neighborhood groups to resolve issues related to recreation services, neighborhood cleanup, housing concerns, code violations, etc., as well as parks planning &amp; development project meetings.</td>
</tr>
<tr>
<td><strong>What:</strong> Number of neighborhood meetings to build neighborhood capacity.</td>
<td>[Graph showing neighborhood meetings per quarter]</td>
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<tr>
<td><strong>Why:</strong> Measures capacity-building efforts of the department in the City's varied and diverse neighborhoods.</td>
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<tr>
<td><strong>Strategic Plan Goal:</strong> H.II.A., H.II.K</td>
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<td></td>
<td></td>
</tr>
<tr>
<td><strong>PRN-3. SAFE &amp; BEAUTIFUL NEIGHBORHOODS</strong></td>
<td>[Graph showing neighborhood preservation cases]</td>
<td>85% of NPU cases will be resolved within 4 weeks of receipt of the complaint.</td>
<td>Currently the Neighborhood Preservation Unit opens and closes 7,160 cases per fiscal year. In order to increase the percentage of cases resolved in a timely manner or the total number of cases resolved, additional staff and resources would be needed. For Qtr 4 of FY 01-02, 84% of the cases were resolved.</td>
</tr>
<tr>
<td><strong>What:</strong> Percent of Neighborhood Preservation cases resolved within 4 weeks.</td>
<td>[Graph showing neighborhood preservation cases]</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Why:</strong> To effectively improve the safety and beauty of Modesto neighborhoods, NPU needs to close the majority of the cases relating to blight and municipal code violations in a timely manner.</td>
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</tr>
<tr>
<td><strong>Strategic Plan Goal:</strong> H.II.A., H.II.K, I.A.2.</td>
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</tbody>
</table>
Healthy & Safe Communities
Quarterly Progress Report

**Performance Measure**  
PRN-4. SAFE & BEAUTIFUL NEIGHBORHOODS

**What:** Percent of all Modesto children who receive City-sponsored drown-proof swimming lessons.

**Why:** Measures City's impact in preventing childhood drowning.

**Strategic Plan Goal:** H.I.I.K.

<table>
<thead>
<tr>
<th>Quarterly Results</th>
<th>2002-2003 Target</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Children in Drown Proof Classes</td>
<td>Five percent (700) of all children will receive City-sponsored drown-proof swimming lessons on an annual basis. This equates to an average of 175 children per quarter. Currently, an estimated 14,000 children between the ages of three and seven live in Modesto.</td>
<td>The City of Modesto provides drown-proof swimming lessons throughout the year, partially funded by Modesto Irrigation District in a joint effort to reduce youth drownings in pools, irrigation canals and open waterways. 232 children took lessons in Qtr 4 of FY 01-02. The quarterly average was 165 students, slightly lower than the target.</td>
</tr>
</tbody>
</table>

**Performance Measure**  
PRN-5 NON-MOTORIZED TRANSPORTATION

**What:** Miles of Class I and II non-motorized facilities as a percent of total lane miles in the City.

**Why:** Measures pace of investment in non-motorized transportation modes.

**Strategic Plan Goal:** H.I.I.K.

<table>
<thead>
<tr>
<th>Annual Results</th>
<th>2002-2003 Target</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Class I and Class II Bike Trails</td>
<td>Class I and Class II Bike Trails. Class I facilities represent 2% or more of the City's transportation system. Class II facilities represent 2% or more of the City's transportation system. The City currently has 14 miles of Class I, 16 miles of Class II, and 625 miles of streets.</td>
<td>Trail development in the City has led to greater usage of the trail systems and social interaction in the community. Class I designates off-road bike trails; Class II designates on-street marked bike lanes. In FY 01-02, 4.5 miles of Class I trails were added (1.5 mile Hetch Hetchy Trail, 3 mile Peggy Mensinger Trail). Approximately 22 additional miles each of Class I trails and Class II lanes are proposed in the 1996 non-motorized plan.</td>
</tr>
<tr>
<td>Miles of Class I Trails Constructed</td>
<td>Miles of Class I Trails Constructed: On average, the City will construct 2.2 miles of Class I Bikeways annually or 10% of the remaining 22 miles of Class I Bikeway in the Non-Motorized Plan.</td>
<td></td>
</tr>
</tbody>
</table>
Healthy & Safe Communities

Quarterly Progress Report

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

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<tbody>
<tr>
<td>PRN-0. OPEN SPACE DEVELOPMENT</td>
<td><strong>NEIGHBORHOOD PARKS</strong>&lt;br&gt;What: Acres of park development and sources of funding.&lt;br&gt;WHY: Measures the acquisition and development of open space and identifies funding sources.&lt;br&gt;Strategic Plan Goal: II.II.I</td>
<td></td>
<td>The standards for open space acreage are defined in the Community Facilities-Open Space and Parks Chapter of the Modesto Urban Area General Plan. Standards for neighborhood parks are 7 acres or 2 acres per 1,000 population. Standards for community parks are 25 acres or 1 acre per 1,000 population in developed areas and 40 acres or 2 acres per 1,000 population in planned urbanizing areas.</td>
</tr>
<tr>
<td></td>
<td>[Diagram showing Neighborhood Parks: FY 01-02 16 acres, FY 02-03 to date 24 acres, Target = 14 acres]</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>COMMUNITY PARKS</strong>&lt;br&gt;What: Acres of park development and sources of funding.&lt;br&gt;WHY: Measures the acquisition and development of open space and identifies funding sources.&lt;br&gt;Strategic Plan Goal: II.II.I</td>
<td></td>
<td></td>
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<tr>
<td></td>
<td>[Diagram showing Community Parks: FY 01-02 49 acres, FY 02-03 to date 27 acres, Target = 25 acres]</td>
<td></td>
<td>Community Parks: The City will acquire and/or develop at least one phase of one community park per year, comprising at least 25 acres.</td>
</tr>
<tr>
<td></td>
<td><strong>OTHER OPEN SPACE</strong>&lt;br&gt;What: Acres of park development and sources of funding.&lt;br&gt;WHY: Measures the acquisition and development of open space and identifies funding sources.&lt;br&gt;Strategic Plan Goal: II.II.I</td>
<td></td>
<td></td>
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<tr>
<td></td>
<td>[Diagram showing Other Open Space: FY 01-02 4.5 acres, FY 02-03 to date 2 acres, Target = 2 acres]</td>
<td></td>
<td>Other Open Space: The City will develop at least 2 acres of additional open space per year, which could consist of trails, landscape medians or other small open space areas.</td>
</tr>
<tr>
<td></td>
<td><strong>PARK DEVELOPMENT FUNDING SOURCES</strong>&lt;br&gt;What: Sources of funding for park development.&lt;br&gt;WHY: Measures the acquisition and development of open space and identifies funding sources.&lt;br&gt;Strategic Plan Goal: II.II.I</td>
<td></td>
<td></td>
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</tbody>
</table>
| | [Pie chart showing funding sources: 18% Park Fund, 11% Grants, 24% Other, 47% Parks CFF] | | Park Development Funding Sources: The City will seek grant funding for at least 20% of its park development funding.]
Healthy & Safe Communities
Quarterly Progress Report

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<th>2002-2003 Target</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>PRN-7, HOME OWNERSHIP</td>
<td><strong>Down Payment Assistance Program</strong> 12 families will receive a total of $300,000 in down payment assistance for an average of $75,000 per quarter.</td>
<td></td>
<td>The City's Housing Services programs are funded through annual Community Development Block Grant entitlement programs from the Federal Housing and Urban Development Department. A total of $1,460,000 is allocated for these programs in Fiscal Year 02-03. In addition, the City participates in a JPA to provide lease-to-own opportunities, up to $3 million in housing value per year. These programs help residents of Modesto purchase homes, rehabilitate or repair existing housing stock, or find suitable rental housing.</td>
</tr>
<tr>
<td>What: Number of approved applications versus percent of funds spent.</td>
<td><img src="DownPaymentAssistanceProgram.png" alt="Graph" /></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Why: Measures impact of Housing Programs on reaching eligible participants.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Strategic Plan Goal: H.H.B., H.I.C.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Spending</td>
<td><strong>Emergency Home Repair</strong> 10 families will receive a total of $200,000 for emergency home repairs for an average of $50,000 per quarter.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td><img src="EmergencyHomeRepair.png" alt="Graph" /></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Spending</td>
<td><strong>Rehabilitation Loans</strong> 12 families will receive a total of $800,000 in housing rehab loans for an average of $200,000 per quarter.</td>
<td></td>
<td></td>
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<tr>
<td></td>
<td><img src="RehabilitationLoans.png" alt="Graph" /></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Spending</td>
<td><strong>Paint/Insulation Rebates</strong> 40 families will receive a total of $40,000 through the paint/insulation rebate program for an average of $10,000 per quarter.</td>
<td></td>
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<tr>
<td></td>
<td><img src="PaintInsulationRebates.png" alt="Graph" /></td>
<td></td>
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</tbody>
</table>
Healthy & Safe Communities

Quarterly Progress Report

PRN-7. HOME OWNERSHIP (Continued)

Social and Cultural:

<table>
<thead>
<tr>
<th>Performance Measure</th>
<th>Quarterly Results</th>
<th>2002-2003 Target</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>PRN-8. DEVELOPMENT OF YOUNG PEOPLE</td>
<td></td>
<td></td>
<td>The Department offers a variety of recreational and enrichment programs to local youth. Through an agreement with Modesto City Schools, school site programs are provided at selected sites. The City has a co-sponsorship arrangement with twenty youth sports organizations, each of which serves an average of 585 youth. (City and County) Approximately 57,000 youth under 18 reside in Modesto.</td>
</tr>
<tr>
<td><strong>What:</strong> Percent of youth who participate in city-sponsored and co-sponsored programs such as After School Learning, After-School Park Programs, lessons, classes and youth sports.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Why:</strong> Recreationally active youth commit fewer crimes, get better grades and are healthier. This measure determines the reach of recreational programs within the community.</td>
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<tr>
<td><strong>Strategic Plan Goal:</strong> H.V.</td>
<td></td>
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<td></td>
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</tbody>
</table>

Property Enhancement Program

<table>
<thead>
<tr>
<th>Quarter</th>
<th>FY 01-02</th>
<th>FY 01-02</th>
<th>FY 01-02</th>
<th>FY 01-02</th>
</tr>
</thead>
<tbody>
<tr>
<td>Qtr 1</td>
<td>$3,000</td>
<td>$1,781</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Qtr 2</td>
<td>$2,000</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Qtr 3</td>
<td>$1,000</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Qtr 4</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
</tbody>
</table>

- Funding Awarded | Target=$2,500

Tenant Based Rental Assistance

<table>
<thead>
<tr>
<th>Quarter</th>
<th>FY 01-02</th>
<th>FY 01-02</th>
<th>FY 01-02</th>
<th>FY 01-02</th>
</tr>
</thead>
<tbody>
<tr>
<td>Qtr 1</td>
<td>$70,000</td>
<td>$43,050</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Qtr 2</td>
<td>$60,000</td>
<td>$28,050</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Qtr 3</td>
<td>$50,000</td>
<td>$15,525</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Qtr 4</td>
<td>$40,000</td>
<td>$8,250</td>
<td>$0</td>
<td>$0</td>
</tr>
</tbody>
</table>

- Funding Awarded | Target=$8,250

Property Enhancement Program: 20 families will receive a total of $10,000 for property enhancement for an average of $2,500 per quarter.

Tenant Based Rental Assistance: 20 families will receive a total of $25,000 in tenant based rental assistance for an average of $6,250 per quarter.
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Quarterly Progress Report

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School Based Programs: 400 youth will participate in school-based programs for an average of 100 youth per quarter.

Youth in Co-sponsored Sports: 11,500 youth will participate in co-sponsored youth sports.

Performance Measure | Monthly Results | 2002-2003 Target | Comments
--- | --- | --- | ---
PRN-9. FINANCIAL SUPPORT FOR RECREATION ACTIVITIES

**What:** Percent of all eligible residents who participate in the Youth/Senior/Disabled Financial Assistance Program.

**Why:** Measures the need for continuing/ expanding the financial assistance program.

Strategic Plan Goal: H.V.

<table>
<thead>
<tr>
<th>Financial Assistance Program</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>New Cards</td>
<td>Dollars Spent</td>
</tr>
<tr>
<td>277</td>
<td>517</td>
</tr>
<tr>
<td>262</td>
<td>212</td>
</tr>
<tr>
<td>277</td>
<td>517</td>
</tr>
<tr>
<td>277</td>
<td>517</td>
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</tbody>
</table>

Annually, twenty percent (1,800) of all eligible youth participate in the youth financial assistance program. Estimates are that 9,000 youth ages 5 to 18 in Modesto live below the poverty level.

This program has grown since its inception to a point where the requests for assistance have leveled off over the past few years. Funding is at a level where it equals all eligible requests for assistance. Seniors and disabled adults are also eligible to participate. They represent less than 2% of the cards issued.
**Performance Measure**

**PRN-10. SOCIAL INTERACTION**

**What:** Percent of all adults and seniors participating in City-sponsored recreational/cultural/social activities.

**Why:** Measures the need for continuing/expanding programs and services for adults and seniors.

**Strategic Plan Goal:** H.V.

---

**Quarterly/Monthly Results**

<table>
<thead>
<tr>
<th>Sports Leagues</th>
<th>Senior Participation</th>
<th>Rounds at Muni Golf Course</th>
<th>Rounds at Dryden Golf Course</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Qtr 1</strong></td>
<td><strong>Qtr 2</strong></td>
<td><strong>Qtr 3</strong></td>
<td><strong>Qtr 4</strong></td>
</tr>
<tr>
<td>5523</td>
<td>3000</td>
<td>3823</td>
<td>1611</td>
</tr>
<tr>
<td>3000</td>
<td>3823</td>
<td>1611</td>
<td>1625</td>
</tr>
<tr>
<td>3000</td>
<td>3823</td>
<td>1611</td>
<td>1625</td>
</tr>
<tr>
<td>3000</td>
<td>3823</td>
<td>1611</td>
<td>1625</td>
</tr>
</tbody>
</table>

**2002-2003 Target**

- **Sports Leagues:** 6500 adults will participate in city sports leagues for an average of 1625 per quarter.
- **Senior Participation:** 11,600 seniors will participate in activities at the Senior Citizens Center for an average of 2900 per quarter.
- **Rounds at Muni Golf Course:** 48,000 rounds (32%) will be played at Muni Golf Course.
- **Rounds at Dryden Golf Course:** 48,000 rounds (32%) will be played at Dryden Golf Course.

**Comments**

- The City provides adult sports leagues and recreation classes for adults and seniors. The City also owns three golf courses, providing a total of 45 holes of golf. The Senior Citizens Center offers a variety of educational and social programs open to all interested seniors. Approximately 130,000 persons over the age of 18 reside in Modesto.

- Senior Participation: 11,600 seniors will participate in activities at the Senior Citizens Center for an average of 2900 per quarter.

- 150,000 rounds of golf will be played at all three courses.

- Rounds at Muni Golf Course: 48,000 rounds (32%) will be played at Muni Golf Course.

- Rounds at Dryden Golf Course: 48,000 rounds (32%) will be played at Dryden Golf Course.
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Quarterly Progress Report

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ECONOMIC DEVELOPMENT & TOURISM:

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<tbody>
<tr>
<td>PRN-11. RECREATION FACILITIES</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>What:</strong> Number of classes, meetings, and agency events booked at City Facilities per number of facilities</td>
<td></td>
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<td></td>
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<tr>
<td><strong>Why:</strong> Measures use of City facilities</td>
<td></td>
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<tr>
<td><strong>Strategic Plan Goal:</strong> H.II.I</td>
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</tr>
</tbody>
</table>

Facility Rentals

- **Facility Rentals:** City facilities will average fifteen bookings per facility each month, for an average of 850 reservations per month.

- **Rentals by Type of Facility:**
  - Buildings (26%)
  - Multi-purpose Facilities (11%)
  - Sports Fields (23%)
  - Youth Sports Fields (8%)
  - Picnic Areas (30%)
  - Other (2%)

- **Rentals by Type of Facility:** The City operates: 9 buildings (26%), 4 Multi-purpose facilities (8%), 9 rental sports fields (baseball, softball, soccer) (30%), 20 youth sports fields (23%) and 12 picnic areas (11%). Other rentals include portable equipment (barbecue pits, awning, stage) and parties (2%).

- **During Qtr 4 of FY 01-02, there were an average of 1377 reservations at 54 available facilities or an average of over 24 reservations per facility per month. Rentals were lower in July 02 due to a break in use by youth sports organizations.**
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</tr>
</thead>
<tbody>
<tr>
<td>PRN-12 SOCIAL INTERACTION</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>What:</strong> Number of visits to the McHenry Museum and Mansion as a percent of all residents.</td>
<td></td>
<td>Ten percent of the residents of Modesto will visit the Mansion and Museum each year. An average of 4,750 Modesto residents will visit each quarter.</td>
<td>Tours to the McHenry Museum and McHenry Mansion are part of the Third Grade curriculum in local school district. Changing exhibits at the Museum, and holiday decorations continue to attract local residents and visitors to the area. These facilities are also available for rental for weddings, receptions, meetings and other similar events. For FY 01-02 Qtr 4, 7,747 people visited these facilities, 4,648 of whom were Modesto residents.</td>
</tr>
<tr>
<td><strong>Why:</strong> Measure the department’s commitment and contribution toward all residents and effectiveness in providing culturally rich places for people to gather.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Strategic Plan Goal:</strong> C.I., C.Y., X.B.1.</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Performance Measure</th>
<th>Quarterly Results</th>
<th>2002-2003 Target</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>PRN-13 SOCIAL INTERACTION</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>What:</strong> Number of bookings at the Modesto Centre Plaza to local groups versus number of room days rented to out-of-town groups.</td>
<td></td>
<td>Events at Modesto Centre Plaza: The Modesto Centre Plaza will have 600 bookings (events) per year. One-third of the events will be rentals by local groups, individuals and organizations. Two thirds of the events will be rentals by out-of-town organizations and promoters.</td>
<td>Types of events held at the Modesto Centre Plaza include community events, conventions, trade shows, fundraisers, consumer shows, meetings, banquets, seminars, entertainment, youth activities, private dinners and receptions. Comparison of local versus out-of-town events addresses the Centre's ability to serve as a community center as well as a convention center. According to studies conducted for the Centre's current Five-Year Plan, the functional capacity for community/convention facilities in markets equivalent to Modesto is cited at about 70%. This percentage is due to soft (undesirable) dates, maintenance time and smaller bookings using a portion of space that could be rented to larger events.</td>
</tr>
<tr>
<td><strong>Why:</strong> Measure the department’s commitment and contribution toward all residents and effectiveness in providing culturally rich places for people to gather.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Strategic Plan Goal:</strong> C.I., C.Y., X.B.1.</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
# Healthy & Safe Communities

## Quarterly Progress Report

**Performance Measure**

<table>
<thead>
<tr>
<th>PRN-14. LEVERAGING FUNDS</th>
<th>Annual Results</th>
<th>2002-2003 Target</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>What:</strong> City contributions as a percent of total budget for arts groups, MoBand, and other organizations/events supported by the City.</td>
<td><strong>Contributions to Cultural Arts and Festivals-% of total budgets</strong>&lt;br&gt;4.5% 3.5% 2.5% 1.5%&lt;br&gt;FY 99-00 FY 00-01 FY 01-02 FY 02-03&lt;br&gt;3.0% 3.0% 4.0% 2.0%&lt;br&gt;% of budget Target = 2% of Budget&lt;br&gt;City contribution per participant Target=$0.21</td>
<td>Contributions to Cultural Arts and Festivals-% of Total Budgets: City contribution will be less than 2%, on average, of the total budget for community events, the arts and festivals.</td>
<td>The City provides financial assistance to local groups promoting the arts, cultural diversity and civic pride. The combined operating budgets for all groups receiving financial assistance are $3,440,785. The City's contributions ranges from 40% for the 4th of July, and 16% for MoBand to less than 1%. Total attendance at all events by these groups is 811,100. City's contribution ranges from $2 per participant to the Stanislaus Arts Council to $66 for the International Festival.</td>
</tr>
<tr>
<td><strong>Strategic Plan Goal:</strong> C.I., C.V., X.B.1.</td>
<td><strong>City Contributions to Cultural Arts and Festivals per participant</strong>&lt;br&gt;$0.31 $0.30 $0.18 $0.21&lt;br&gt;FY 99-00 FY 00-01 FY 01-02 FY 02-03 (projected)&lt;br&gt;City contribution per participant Target=$0.21</td>
<td>City Contributions to Cultural Arts and Festivals per participant: The City's contribution will be $0.21 or less per person attending events supported by the City.</td>
<td></td>
</tr>
</tbody>
</table>

**Performance Measure**

<table>
<thead>
<tr>
<th>PRN-15. SPORTS AND ENTERTAINMENT</th>
<th>Annual Results</th>
<th>2002-2003 Target</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>What:</strong> Modesto's market share of golf rounds played in the region.</td>
<td><strong>Golf Course Market Share</strong>&lt;br&gt;15%&lt;br&gt;FY 01-02&lt;br&gt;International Projections (Target)= 15%&lt;br&gt;Creekside Dryden Muni</td>
<td>Golf Course Market Share: Modesto will maintain a 15% market share of golf rounds in the region (6% at Creekside, 4% at Dryden and 5% at Muni).</td>
<td>Market share is a formula using population, rounds played, demand for golf and total number of holes. A study of Modesto's Golf Courses projected that Modesto's market share would be 15%. In 2001, market share averaged a total of 17%. To break even at our current revenue per round rate, we would need to average 14,754 rounds per month. In 2001, we averaged 12,460 rounds per month. To date in 2002, we have averaged 13,150 rounds per month.</td>
</tr>
<tr>
<td><strong>Why:</strong> Measures success of City golf courses as compared to other courses in our region.</td>
<td><strong>Rounds Played Vs Rounds to Break Even</strong>&lt;br&gt;18,000 14,000 10,000 6,000&lt;br&gt;J F M A M J J A S O N D&lt;br&gt;14,754&lt;br&gt;Number of Rounds to Break Even</td>
<td>Rounds Played Vs Rounds to Break Even: The average revenue earned per round for FY 01-02 was $13.56. In order to break even, 177,053 rounds need to be played at all three courses, or an average of 14,754 rounds per month. At the current rate of play (160,338 rounds per year), the revenue would need to average $15.97 per round.</td>
<td></td>
</tr>
<tr>
<td><strong>Strategic Plan Goal:</strong> C.V.</td>
<td><strong>Total Rounds 2001</strong>&lt;br&gt;<strong>Total Rounds 2002</strong>&lt;br&gt;<strong>Number of Rounds to Break Even</strong>&lt;br&gt;18,000 14,000 10,000 6,000&lt;br&gt;J F M A M J J A S O N D&lt;br&gt;14,754</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Healthy & Safe Communities

Quarterly Progress Report

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

<table>
<thead>
<tr>
<th>Performance Measure</th>
<th>Monthly Results</th>
<th>2002-2003 Target</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>PRN-16. SPORTS AND ENTERTAINMENT</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>What:</strong> Attendance, per event and game at John Thurman Field.</td>
<td></td>
<td></td>
<td>The average attendance at benchmark stadiums is: Stockton (31%), Visalia (50%), Bakersfield (33%) and San Jose (55%) of capacity. John Thurman Field has seating for 4,000 for baseball games. Other events include car shows, concerts, festivals, and ceremonies. During Qtr 4 of FY 01-02, attendance at Modesto A's games averaged 2,168 or 54% of capacity.</td>
</tr>
<tr>
<td><strong>Why:</strong> Measures utilization of the City's investment in John Thurman Field.</td>
<td></td>
<td></td>
<td>Attendance at Modesto A's games: Attendance will average 55% of stadium capacity (2,200 persons) based on a 70 games season.</td>
</tr>
<tr>
<td><strong>Strategic Plan Goal:</strong> C.V.</td>
<td></td>
<td></td>
<td>Attendance at other events will average 2,500 per event.</td>
</tr>
</tbody>
</table>

**Attendance at Modesto A's Games**

![Attendance at Modesto A's Games Graph]

**Attendance at Other Events at John Thurman Field**

![Attendance at Other Events at John Thurman Field Graph]
Healthy & Safe Communities
Quarterly Progress Report

Performance Measure | Quarterly Results | 2002-2003 Target | Comments
--- | --- | --- | ---
PRN-17. WELL-LANDSCAPED CITY | | | A well-landscaped city will result when plans and landscape installations are in conformance with state and local code. Special projects above required mitigation will make Modesto a beautiful place to live, work and recreate. FY 01-02 Qtr 4 projects include: Cesar Chavez Park, Hetch Hetchy Trail, and Dale Road Median.

**Landscape Plans:** Ninety percent of commercial landscape plans are reviewed and returned within 3 days of submittal.

Commercial Landscape Plan inspection was transferred to the Parks, Recreation and Neighborhoods Department in Qtr 4 of FY 01-02.

**Performance Measure** | **Quarterly Results** | **2002-2003 Target** | **Comments**
--- | --- | --- | ---
PRN-18. TOURISM OPPORTUNITIES | | | Modesto currently allocates 13.53% of its TOT to the CVB. Percentages for benchmarked cities are: Visalia (21%), Bakersfield (16%) and Fresno (17%). The economic multiplier for visitors to Modesto is $125 per night or $50 per day for visitors that do not stay over night. Total economic impact for FY 02-03 is projected at $2,440,000.

**Visitors Attracted by CVB:** Annually, 35,000 visitors will be brought to Modesto through CVB efforts.

- **Visitors Attracted by CVB:**
  - FY 00-01: 35,100
  - FY 01-02: 35,000
  - FY 02-03 projected: 35,000

City of Modesto
9/26/2002
Modesto: A healthy, safe, attractive, economically vibrant, socially diverse and culturally rich city with a strong sense of identity and pride, a community engaged in the practice of citizenship with governance based on the principle of stewardship.

**Economic Impact of CVB:** For every $1 spent by the CVB, visitors attracted by the CVB will spend $8 in Modesto.

**Conventions Per Quarter Attributable to CVB:** 4 conventions will be brought to Modesto annually through CVB efforts for an average of one convention per quarter.

**% of TOT Spent on CVB:** Modesto will spend less than the average of the cities of Visalia, Bakersfield and Fresno (18%) of TOT on CVB activities.
Attachment 3

Existing Police Department Performance Measures
## Police Department Performance Measures

### City of Modesto

<table>
<thead>
<tr>
<th>Type</th>
<th>Measure</th>
<th>Actual 99-00</th>
<th>Actual 00-01</th>
<th>Estimate 01-02</th>
<th>Budget 02-03</th>
</tr>
</thead>
<tbody>
<tr>
<td>Input</td>
<td>Full Time Equivalents</td>
<td>356</td>
<td>363</td>
<td>370</td>
<td>355</td>
</tr>
<tr>
<td>Input</td>
<td>Sworn Staff</td>
<td>259</td>
<td>257</td>
<td>259</td>
<td>251</td>
</tr>
<tr>
<td>Input</td>
<td>Non-Sworn Staffing</td>
<td>97</td>
<td>106</td>
<td>108</td>
<td>104</td>
</tr>
<tr>
<td>Outcome</td>
<td>Sworn Staffing Per 1,000 Population</td>
<td>1.4</td>
<td>1.4</td>
<td>1.4</td>
<td>1.3</td>
</tr>
</tbody>
</table>

Remain within 5% of National Average of 1.38 - 1.43

### Police Field Operations:

#### Chart

**# of Calls for Service**

<table>
<thead>
<tr>
<th>Year</th>
<th>Actual</th>
<th>Estimate</th>
<th>Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>123,909</td>
<td>129,602</td>
<td>133,500</td>
<td>137,000</td>
</tr>
</tbody>
</table>

Police Department calls for service are increasing at approximately the same % rate as the City’s increase in population. Community policing also increases calls for police service as a more empowered and involved community engages police services for solutions to safety problems.

#### Chart

**# of Reported Crimes (Part I & Part II)**

<table>
<thead>
<tr>
<th>Year</th>
<th>Part I</th>
<th>Part II</th>
</tr>
</thead>
<tbody>
<tr>
<td>54,911</td>
<td>55,234</td>
<td>56,000</td>
</tr>
</tbody>
</table>

Part I and II Crimes have been generally increasing, similar to Calls for Police Service.
## POLICE DEPARTMENT PERFORMANCE MEASURES

**City of Modesto**

<table>
<thead>
<tr>
<th>Type</th>
<th>Measure</th>
<th>Actual 99-00</th>
<th>Actual 00-01</th>
<th>Estimate 01-02</th>
<th>Budget 02-03</th>
</tr>
</thead>
<tbody>
<tr>
<td>Output</td>
<td>Part I Crimes</td>
<td>10,751</td>
<td>10,138</td>
<td>10,300</td>
<td>11,000</td>
</tr>
<tr>
<td>Outcome</td>
<td>Part I Crime Rate (per 100,000 population)</td>
<td>5,826</td>
<td>5,498</td>
<td>5,583</td>
<td>5,820</td>
</tr>
<tr>
<td>Output</td>
<td># of Traffic Accidents</td>
<td>5,204</td>
<td>5,806</td>
<td>5,200</td>
<td>5,320</td>
</tr>
<tr>
<td>Outcome</td>
<td>Number of Fatal and Injury Accidents</td>
<td>1,354</td>
<td>1,206</td>
<td>1,150</td>
<td>1,200</td>
</tr>
<tr>
<td>Efficiency</td>
<td>Number of Injury Producing Accidents Per 1,000 Population</td>
<td>7.33</td>
<td>6.52</td>
<td>6.16</td>
<td>6.40</td>
</tr>
<tr>
<td>Outcome</td>
<td>Number of Moving Violation Citations Per 1,000 Population</td>
<td>23,642</td>
<td>18,132</td>
<td>24,000</td>
<td>26,000</td>
</tr>
<tr>
<td>Efficiency</td>
<td>Number of Traffic Fatalities Per 1,000 Population</td>
<td>14</td>
<td>11</td>
<td>9</td>
<td>10</td>
</tr>
<tr>
<td>Efficiency</td>
<td>Number of Traffic Fatalities Per 1,000 Population</td>
<td>0.076</td>
<td>0.064</td>
<td>0.049</td>
<td>0.054</td>
</tr>
<tr>
<td>Output</td>
<td># of Traffic Citations</td>
<td>128</td>
<td>98</td>
<td>130</td>
<td>140</td>
</tr>
<tr>
<td>Efficiency</td>
<td>Number of Moving Violation Citations Per 1,000 Population</td>
<td>15</td>
<td>13</td>
<td>15</td>
<td>15</td>
</tr>
<tr>
<td>Output</td>
<td># of DUI Arrests</td>
<td>696</td>
<td>650</td>
<td>800</td>
<td>850</td>
</tr>
<tr>
<td>Efficiency</td>
<td>Number of DUI Arrests Per 1,000 Population</td>
<td>3.78</td>
<td>2.98</td>
<td>4.34</td>
<td>4.59</td>
</tr>
<tr>
<td>Input</td>
<td>Animal Control Division:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td># Cells Received for Service</td>
<td>10,638</td>
<td>9,644</td>
<td>10,700</td>
<td>10,850</td>
</tr>
<tr>
<td></td>
<td># of College FTE units offered to Personnel (in collaboration with MJC)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Output</td>
<td>Crime Free Housing Program:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Output</td>
<td># of Rental Units in Fully Certified Properties</td>
<td>3,498</td>
<td>5,500</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Output</td>
<td>Properties in Certification Process</td>
<td>23</td>
<td>25</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Output</td>
<td># of Rental Units in Certification Process</td>
<td>2,129</td>
<td>2,300</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Output</td>
<td>Management Companies Involved</td>
<td>6</td>
<td>10</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Output</td>
<td># of Rental Units in Management Companies Involved</td>
<td>1,019</td>
<td>1,400</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Input</td>
<td>Information or Diversion:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Neighborhood Watch Groups Active</td>
<td>693</td>
<td>691</td>
<td>720</td>
<td>745</td>
</tr>
<tr>
<td>Output</td>
<td>Youth Services</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Output</td>
<td>Number of Youth Contacts in Police Department Programs</td>
<td>76,002</td>
<td>78,440</td>
<td>80,850</td>
<td>90,000</td>
</tr>
<tr>
<td>Output</td>
<td>Students Receiving DARE Instruction</td>
<td>27,051</td>
<td>27,917</td>
<td>28,000</td>
<td>30,000</td>
</tr>
<tr>
<td>Output</td>
<td>School Police Officer Contacts</td>
<td>11,724</td>
<td>12,099</td>
<td>12,200</td>
<td>14,000</td>
</tr>
<tr>
<td>Output</td>
<td>Children in PAL Activities</td>
<td>10,188</td>
<td>10,514</td>
<td>12,000</td>
<td>16,200</td>
</tr>
<tr>
<td>Output</td>
<td>Number of Juveniles Participating in Diversion Clean-ups</td>
<td>43</td>
<td>50</td>
<td>100</td>
<td>100</td>
</tr>
<tr>
<td>Output</td>
<td>Juveniles Assessed for Diversion</td>
<td>945</td>
<td>975</td>
<td>1,000</td>
<td>1,100</td>
</tr>
<tr>
<td>Output</td>
<td>Participants in the WAKE-UP Program</td>
<td>1,046</td>
<td>1,079</td>
<td>1,100</td>
<td>1,400</td>
</tr>
<tr>
<td>Output</td>
<td>School Safety Patrol Presentations</td>
<td>2,360</td>
<td>2,436</td>
<td>2,450</td>
<td>2,450</td>
</tr>
<tr>
<td>Output</td>
<td>School Safety Patrol Training Sessions, Youth Contact</td>
<td>647 - 22,845</td>
<td>668 - 23,370</td>
<td>700 - 24,000</td>
<td>700 - 24,200</td>
</tr>
<tr>
<td>Output</td>
<td>Prompt Response to Citizen Requests for Service:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Output</td>
<td>Average Response Time for Emergency Service:</td>
<td>5.32</td>
<td>5.80</td>
<td>5.00</td>
<td>5.10</td>
</tr>
<tr>
<td></td>
<td>1 - 5 Minutes</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Attachment 4

Proposed Police Department Performance Measures
Healthy & Safe Communities
Quarterly Progress Report

Police Department

Mission:
To provide professional police services. Together, in a partnership with our community and through the effective use of resources, we will achieve a safe and secure environment in which to live and prosper.

Strategic Plan Goals:
H.I. Identify opportunities for collaborative delivery of police, fire, recreation and neighborhood services.
H.II.A. Our actions develop and reinforce the sense of community and neighborhood sense of identity.
H.II.K. Our neighborhoods are safe places to live, work, play and visit.
H.III. Emergency services are delivered quickly, safely and responsively.
H.IV. Actions support the safe and healthy, drug free, gang free, development of young people.

Key Efficiency Measures:

<table>
<thead>
<tr>
<th>Performance Measure</th>
<th>Monthly Results</th>
<th>02-03 Target</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>PD-1. EMERGENCY RESPONSE EFFICIENCY (PRIORITY 1P CALLS)</td>
<td>![Emergency Response Efficiency Chart]</td>
<td>Average response time for Priority 1P calls is less than the 2001 average response time of 5 minutes and 30 seconds.</td>
<td>July's average response time is high due to minimum staffing levels and vacant positions. We will continue to monitor this measure to ensure rapid response to our citizens.*</td>
</tr>
<tr>
<td>What: Average response time for PRIORITY 1P Progress calls involving threats to public safety is at or below previous-year level. Priority 1P calls include: Homicide, kidnap, robbery, ADW, rape, fight with weapons, burglary &amp; auto theft.</td>
<td></td>
<td></td>
<td>*Note: Response times for calls involving public safety are directly impacted by availability of officers to respond.</td>
</tr>
<tr>
<td>Why: Measures level of community safety. Strategic Plan Goals: H.III.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>PD-2. NON-THREAT EMERGENCY RESPONSE EFFICIENCY (PRIORITY 1 CALLS)</td>
<td>![Non-Threat Response Efficiency Chart]</td>
<td>Average response time for Priority 1 calls is less than 15 minutes (2001 average) from the time the call is received.</td>
<td>In 2002, we have been within the target range most of the time. We will continue to monitor this measure on a monthly basis.</td>
</tr>
<tr>
<td>What: Average response time for calls PRIORITY 1 calls involving threats to public safety is at or below previous-year level. Priority 1 calls include: homicide, kidnap, robbery, ADW, rape, fight with weapons, burglary and auto theft.</td>
<td></td>
<td></td>
<td>*Note: Response times for calls involving public safety are directly impacted by availability of officers to respond.</td>
</tr>
<tr>
<td>Why: Measures level of community safety. Rapid response and intervention is necessary to provide for public safety.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Strategic Plan Goals: H.III.</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Healthy & Safe Communities
Quarterly Progress Report

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Performance Measure

PD-3. EMERGENCY RESPONSE EFFICIENCY (PRIORITY 2 CALLS)

What: Average response time for moderate priority calls (PRIORITY 2) is at or below previous-year level. Priority 2 calls include brandishing weapons, prowlers, domestic battery, family fights and alarms.

Why: Measures level of community safety. Rapid response and intervention is necessary for community safety.

Strategic Plan Goals: H.111

Monthly Results

02-03 Target

Comments

Average response time for Priority 2 calls is less than the 2001 average response time of 19.8 minutes.

In the past several months, response times have exceeded the 2001 average (target). Targets were met in January and February. Historically, the months of March through July have had a higher call volume, which accounts for the greater response time.

PD-4. EMERGENCY RESPONSE EFFICIENCY (PRIORITY 3 CALLS)

What: Average response time for PRIORITY 3 calls is at or below previous-year level. Priority 3 calls include public nuisance, grand theft, trespassing, stolen vehicle and public drunkenness.

Why: Measures level of community safety. Rapid response is necessary to provide for public safety.

Strategic Plan Goals: H.111

Monthly Results

02-03 Target

Comments

Average response time for Priority 3 calls is less than 34.87 minutes (2001 average) from the time the call is received.

In 2002, we were within the target range for the months of January & February. The months of March through July have historically had higher call volumes, which explains the greater response time.

*Note: Response times for calls involving public safety are directly impacted by availability of officers to respond.

PD-5. SWORN OFFICERS AND POPULATION

What: Sworn officers per 1,000 residents will be at or above the City's adopted standard of 1.3/1,000.

Why: Measures human resources dedicated to police services compared to the demand for services.

Strategic Plan Goals: H.111. H.111

Monthly Results

02-03 Target

Comments

Current: Number of sworn officers per 1,000 residents meets or exceeds the adopted standard of 1.3 / 1,000.

Proposed Future: Number of sworn officers per 1,000 residents meets or exceeds the state average of 1.6 / 1,000.

Long Term: 2.0 / 1,000

Officer to citizen ratio is a standard indicator of a municipality's level of fiscal resources dedicated to public safety. Since 1991, we have met or exceeded our targeted standard three years and been below target 9 years, with the current decline approaching levels of the early 1990's. Lower than average officer to citizen ratios have proven to result in higher police response times.
Key Efficiency Measures:

<table>
<thead>
<tr>
<th>Performance Measure</th>
<th>Monthly Results</th>
<th>02-03 Target</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>PD-6. PATROL OFFICERS, CALLS FOR SERVICE AND POPULATION</td>
<td></td>
<td>Sworn officers assigned to patrol operations is equal to or greater than 1.0 per 1,000 residents.</td>
<td>The number of officers assigned to patrol has decreased in relation to population growth since 1998. Presently, the ratio is 0.8 per 1,000 residents. As the City continues to grow, more resources are needed to maintain the same level of service to our residents.</td>
</tr>
<tr>
<td>What: Number of sworn officers assigned to handle various patrol functions is equal to or greater than 1.0 per 1,000 residents.</td>
<td></td>
<td></td>
<td>Patrol functions include: Supervisors, patrol officers, tactical patrol officers, traffic officers and miscellaneous special enforcement units.</td>
</tr>
<tr>
<td>Why: Measures availability of officers to handle calls for service, community-oriented policing, traffic enforcement and other neighborhood crime related functions.</td>
<td></td>
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<tr>
<td>Strategic Plan Goals: H.I.I., H.I.IK., H.III.</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

| PD-7. SAFE NEIGHBORHOODS                                                                 |                 | Part 1 Crime Rate is at or below the average Part 1 Crime Rate for California of 3.06 crimes per 1,000 population (2000). | Our Part 1 crime rate for 2002 exceeds the state average for 2000. This is a reflection of the overall economic downturn in the state, as well as the higher degree of crime reporting in our City. We will continue to monitor this trend as we put in place restorative policing measures. |
| What: Number of Part 1 Crimes committed per 1,000 population (Part 1 Crime Rate). Part 1 Crimes include: murder, rape, assault, burglary, larceny and auto theft. |                 |                                                                              |                                                                                               |
| Why: Measures impact of Police Services on reducing the Part 1 Crime Rate.             |                 |                                                                              |                                                                                               |
| Strategic Plan Goals: H.I.IK.                                                          |                 |                                                                              |                                                                                               |

| PD-8. SAFE NEIGHBORHOODS                                                                 |                 | City of Modesto's Violent Crime Rate is at below the average of for all California cities or .51 per 1,000 population per month (2000). | Our violent crime rate is consistently lower than that of the state as a whole. Note: Socioeconomic conditions contribute to violent crime. Historically, proactive policing and prevention programs have had little effect on the violent crime rate, particularly with respect to "familiar" violent crimes. |
| What: Number of violent crimes against persons committed per 1,000 population (Violent Crime Rate). Violent crimes include: homicide, rape, robbery and assault. |                 |                                                                              |                                                                                               |
| Why: Measures socioeconomic conditions which contribute to the various types of crime, and policing efforts to reduce that crime. |                 |                                                                              |                                                                                               |
| Strategic Plan Goal: H.I.IK.                                                          |                 |                                                                              |                                                                                               |
### Healthy & Safe Communities

**Quarterly Progress Report**

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**Key Efficiency Measures:**

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</thead>
<tbody>
<tr>
<td><strong>PD-6. PATROL OFFICERS, CALLS FOR SERVICE AND POPULATION</strong></td>
<td><img src="image" alt="Patrol Officers, Calls for Service &amp; Population" /></td>
<td>Sworn officers assigned to patrol operations is equal to or greater than 1.0 per 1,000 residents.</td>
<td>The number of officers assigned to patrol has decreased in relation to population growth since 1998. Presently, the ratio is 0.8 per 1,000 residents. As the City continues to grow, more resources are needed to maintain the same level of service to our residents.</td>
</tr>
<tr>
<td><strong>PD-7. SAFE NEIGHBORHOODS</strong></td>
<td><img src="image" alt="SAFE NEIGHBORHOODS" /></td>
<td>Part 1 Crime Rate is at or below the average Part 1 Crime Rate for California of 3.06 crimes per 1,000 population (2000).</td>
<td>Our Part 1 crime rate for 2002 exceeds the state average for 2000. This is a reflection of the overall economic downturn in the state, as well as the higher degree of crime reporting in our City. We will continue to monitor this trend as we put in place restorative policing measures.</td>
</tr>
<tr>
<td><strong>PD-8. SAFE NEIGHBORHOODS</strong></td>
<td><img src="image" alt="SAFE NEIGHBORHOODS Violent Crime Rate" /></td>
<td>City of Modesto’s Violent Crime Rate is at below the average of for all California cities or .51 per 1,000 population per month (2000).</td>
<td>Our violent crime rate is consistently lower than that of the state as a whole. Note: Socioeconomic conditions contribute to violent crime. Historically, proactive policing and prevention programs have had little effect on the violent crime rate, particularly with respect to “familiar” violent crimes.</td>
</tr>
</tbody>
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---

**Strategic Plan Goals:**

- H.I.I.A.
- H.I.I.K.
- H.III.

---

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

---

City of Modesto 10/1/2002

CMO Performance Measures\Police Quarterly Report.doc
## Performance Measure

### PD-9. SAFE NEIGHBORHOODS

**What:** Number of property crimes committed per 1,000 population (Property Crime Rate). Property Crime Rate includes burglary, theft, and auto theft.

**Why:** Measures socioeconomic conditions which contribute to the various types of crime, and policing efforts to reduce that crime.

**Strategic Plan Goal:** H.I.K.

### PD-10. POLICE EFFICIENCY

**What:** Percent of all cases that are cleared.

**Why:** Clearance rate measures the effectiveness of initial (patrol officer) and follow-up (detective) investigations.

**Strategic Plan Goal:** H.II.

### PD-11. TRAFFIC SAFETY

**What:** Number of injury-producing accidents and fatalities per 1,000 population.

**Why:** Reflects success of traffic enforcement and prevention efforts in reducing traffic accidents and fatalities.

**Strategic Plan Goal:** H.II.G.

## Monthly Results

### SAFE NEIGHBORHOODS

<table>
<thead>
<tr>
<th>Month</th>
<th>Property Crime Rate per 1,000 Population</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jan</td>
<td>4.68</td>
</tr>
<tr>
<td>Feb</td>
<td>2.52</td>
</tr>
<tr>
<td>Mar</td>
<td>5.22</td>
</tr>
<tr>
<td>Apr</td>
<td>4.11</td>
</tr>
<tr>
<td>May</td>
<td>5.64</td>
</tr>
<tr>
<td>Jun</td>
<td>5.07</td>
</tr>
<tr>
<td>Jul</td>
<td>4.91</td>
</tr>
<tr>
<td>Aug</td>
<td>2.65</td>
</tr>
</tbody>
</table>

*State Property Crime Rate*

---

### CLEARANCE RATES

<table>
<thead>
<tr>
<th>Month</th>
<th>Percent of Cases Cleared</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jan</td>
<td>100</td>
</tr>
<tr>
<td>Feb</td>
<td>100</td>
</tr>
<tr>
<td>Mar</td>
<td>100</td>
</tr>
<tr>
<td>Apr</td>
<td>100</td>
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<tr>
<td>May</td>
<td>100</td>
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<tr>
<td>Jun</td>
<td>100</td>
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<tr>
<td>Jul</td>
<td>100</td>
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<tr>
<td>Aug</td>
<td>100</td>
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<tr>
<td>Sep</td>
<td>100</td>
</tr>
<tr>
<td>Oct</td>
<td>100</td>
</tr>
<tr>
<td>Nov</td>
<td>100</td>
</tr>
<tr>
<td>Dec</td>
<td>100</td>
</tr>
</tbody>
</table>

*March 1998 (FY 2000)*

---

### TRAFFIC SAFETY

<table>
<thead>
<tr>
<th>Month</th>
<th>Rate of Injury &amp; Fatality Accidents per 1,000 Population</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jan</td>
<td>0.59</td>
</tr>
<tr>
<td>Feb</td>
<td>0.58</td>
</tr>
<tr>
<td>Mar</td>
<td>0.66</td>
</tr>
<tr>
<td>Apr</td>
<td>0.72</td>
</tr>
<tr>
<td>May</td>
<td>0.64</td>
</tr>
<tr>
<td>Jun</td>
<td>0.74</td>
</tr>
<tr>
<td>Jul</td>
<td>0.80</td>
</tr>
<tr>
<td>Aug</td>
<td>0.76</td>
</tr>
<tr>
<td>Sep</td>
<td>0.60</td>
</tr>
<tr>
<td>Oct</td>
<td>0.46</td>
</tr>
<tr>
<td>Nov</td>
<td>0.49</td>
</tr>
<tr>
<td>Dec</td>
<td>0.48</td>
</tr>
</tbody>
</table>

*Modesto Injury & Fatality Accidents, California Average Injury & Fatality Accidents*

## 02-03 Target

### SAFE NEIGHBORHOODS

City of Modesto's Property Crime Rate is at or less than the average for the state of 2.55 property crimes per 1,000 population per month (2000).

**Comments:** Our numbers exceed those in the state as a whole due to the large volume of smaller crimes that are reported here. We will work toward increasing sworn staffing ratios in order to reduce the property crime rate.

*Note: Socioeconomic conditions play a major role in the property crime rate. Proactive policing efforts and prevention programs can have an impact on the property crime rate.*

### CLEARANCE RATES

City of Modesto clearance rate will be at or above the FBI Uniform Crime Report clearance rate (2000).

**Comments:** Overall, our clearance rates exceed those reported nationally as part of the FBI Uniform Crime Report.

### TRAFFIC SAFETY

City of Modesto injury and fatality producing accidents will be at or less than the state average of 0.49 accidents per 1,000.

**Comments:** We consistently exceed the state average for injuries and fatalities per 1,000 residents. Increasing our sworn officer percentage will enhance our ability to improve this measure.

*Note: High profile traffic enforcement and prevention through public education are effective in reducing injury accidents.*
Healthy & Safe Communities
Quarterly Progress Report

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

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<tbody>
<tr>
<td>PD-12. GANG FREE</td>
<td><img src="chart_url" alt="GANG FREE Chart" /></td>
<td>Under review. The gang unit currently averages 190 cases per month. In addition, they provide prevention and education programs to students and parents.</td>
<td></td>
</tr>
<tr>
<td>PD-13. DRUG &amp; ALCOHOL FREE</td>
<td><img src="chart_url" alt="DRUG &amp; ALCOHOL FREE Chart" /></td>
<td>Modesto's juvenile arrest rate involving drugs and alcohol is less than the state average of .75 per 1,000 juveniles per month (2000).</td>
<td></td>
</tr>
<tr>
<td>PD-14. JUVENILE EDUCATION</td>
<td><img src="chart_url" alt="JUVENILE EDUCATION Chart" /></td>
<td>During 2002, we have averaged 74 juvenile education programs per month. January and February numbers are lower due to school schedules.</td>
<td></td>
</tr>
</tbody>
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<tr>
<td>PD-15. JUVENILE CRIME RATE</td>
<td>[Graph showing Juvenile Crime Rate]</td>
<td>Juvenile arrest rate is less than the state average of 4.26 arrests per 1,000 population (2000).</td>
<td>Our juvenile arrest rate is less than the state average. We have implemented several programs which provide an alternative to traditional arrest / incarceration.</td>
</tr>
<tr>
<td>What: Juvenile arrests per 1,000 population (Juvenile Crime Rate). Juvenile Crime Rate includes misdemeanors &amp; felonies.</td>
<td></td>
<td></td>
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<tr>
<td>Why: Measures the City's commitment to crime prevention through a focus on enforcement and juvenile welfare.</td>
<td></td>
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<tr>
<td>Strategic Plan Goal: H.II.A., H.V.</td>
<td></td>
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</tr>
<tr>
<td>PD-16. NEIGHBORHOOD CRIME</td>
<td>[Graph showing Neighborhood Crime]</td>
<td>No Area Command region exceeds the previous year average crime rate (4.64 per 1,000 per month) by more than 2%.</td>
<td>The majority of property crimes are thefts from vehicles and shoplifting. The Northwest Area has a heavy concentration of commercial establishments, as well as the MJC campus, grocery stores and hotels. The Southeast Area includes downtown, parking garages and the Yosemite commercial corridor. Other areas are primarily residential and the lower rates reflect this.</td>
</tr>
<tr>
<td>What: Property crime rate by area command (per 1,000 area command residents)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Why: Measures impact of neighborhood watch, area command model and community policing on reducing neighborhood crime.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Strategic Plan Goal: H.II.A.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>PD-17. POLICE SERVICES COST PER RESIDENT</td>
<td>[Graph showing Police Services Cost per Resident]</td>
<td>Police department budget per citizen is less than the average of the California cities of Bakersfield, Fresno, Sacramento, Stockton and Visalia.</td>
<td>Our cost for police services ($186.30) is less than the average of similar California cities ($196.17). Modesto ranks 4th of the comparison cities for cost per resident for police services. Comparison cities were selected based on their size, geographic proximity to and socio-economic similarities to Modesto.</td>
</tr>
<tr>
<td>What: Cost per resident to deliver police services.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Why: Measures the effectiveness of police services relative to budget.</td>
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<tr>
<td>Strategic Plan Goal: H.III.</td>
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City of Modesto
10/1/2002

CMO\Performance Measures\Police Quarterly Report.doc
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<tbody>
<tr>
<td>PD-18. COMMUNITY POLICING</td>
<td>COMMUNITY POLICING</td>
<td></td>
<td></td>
</tr>
<tr>
<td>What: 1) Number of Liaisons with Community Organizations and 2) Number of Neighborhood Watch Programs</td>
<td></td>
<td>1) MPD maintains liaisons with a minimum of 50 community organizations.</td>
<td>The department is actively involved in empowering the community through community policing. Fully one-fourth of department personnel are liaisons with community groups. The number of Neighborhood Watch programs continues to grow and presently is 487.</td>
</tr>
<tr>
<td>Why: Illustrates department involvement with the community and the degree of community self reliance.</td>
<td></td>
<td>2) Modesto has at least 450 Neighborhood Watch programs.</td>
<td></td>
</tr>
<tr>
<td>Strategic Plan Goal: H.I.A., H.I.I.K.</td>
<td></td>
<td></td>
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</tr>
</tbody>
</table>

![Graph showing monthly results for Community Policing]

City of Modesto
10/1/2002
MODESTO CITY COUNCIL
RESOLUTION NUMBER 2002-497

A RESOLUTION AMENDING THE FISCAL YEAR 2002/03 BUDGET TO TRANSFER FUNDS FROM THE ASSET FORFEITURE TRUST FUND TO THE GENERAL FUND - POLICE OPERATIONS FOR THE PURCHASE OF FIVE CANINES

WHEREAS, there are three police canines, currently being retired, from the Police Department Canine Unit, and

WHEREAS, the Police Department needs to replace these dogs to maintain the canine unit at full capacity, and

WHEREAS, the Police Department wishes to add two drug detection canines to the Canine Unit to provide 24-hour drug detection coverage and enhance community safety, and

WHEREAS, costs, including travel to the kennel and air transport of the dogs, for these canines is $26,075, and

WHEREAS, the Asset Forfeiture Trust Fund has monies available for this purchase,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 2002/03 Annual Budget is hereby amended as indicated below:

Appropriate:
To: 0100-190-1961-5297 $26,075 Police Field Operations

Revenue:
From: 0100-190-1961-7202 $26,075 Seized Forfeitures

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 8\textsuperscript{th} day of October 2002 by Councilmember Fisher who moved for its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote.

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

NOES: Councilmember: None

ABSENT: Councilmember: Jackman

APPROVED AS TO FORM:

By: MICHAEL D. MILICH, City Attorney

ATTEST: JEAN ZAHR, City Clerk
RESOLUTION OF THE CITY OF MODESTO APPROVING THE PARKING COVENANT AGREEMENT BY AND BETWEEN THE CITY OF MODESTO ("CITY") AND THE COUNTY OF STANISLAUS ("COUNTY") GUARANTEEING FOR PUBLIC USE FORTY-FOUR (44) PARKING SPACES WITHIN THE STANISLAUS COUNTY PARKING GARAGE TO BE CONSTRUCTED ON 12TH STREET

WHEREAS, on August 8, 2002, the City and the County entered into a Property Sales Agreement ("Sales Agreement") which is attached to this resolution as "Exhibit A" and made a part herein by this reference, and

WHEREAS, pursuant to said Sales Agreement, the City will sell to the County a parcel located at the southeast corner of 12th and I Streets within the City of Modesto which is currently being used by the City as a 44-space parking lot for public use, and

WHEREAS, as a condition of said property sale, City desires to guarantee the use of a minimum of forty-four (44) parking spaces for the general public within the proposed County parking garage on 12th Street, between H Street and I Street, and

WHEREAS, in order to guarantee the use of said parking spaces by the general public, City and County have agreed to enter into this Parking Covenant that will be attached to the title of said parking garage and run with the land in perpetuity.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MODESTO that the Parking Covenant Agreement by and between the City of Modesto and Stanislaus County is hereby approved.

BE IT FURTHER RESOLVED BY THE COUNCIL that the City Manager is hereby authorized and directed to execute said Parking Covenant Agreement on behalf of the City of Modesto as set forth in this Resolution.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of October 2002 by Councilmember Fisher who moved for its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote.

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

ATTEST: Jean Zahr, City Clerk

(SEAL)
APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
SITE PURCHASE AGREEMENT
WITH ESCROW INSTRUCTIONS

This Site Purchase Agreement With Escrow Instructions ("Agreement") is entered as of September 24, 2002 between CITY OF MODESTO, A Municipal Corporation ("Seller"), and STANISLAUS COUNTY, A Political Subdivision of the State of California ("Purchaser").

RECITALS

A. Seller is the owner of the property located in the City of Modesto, Stanislaus County, California more particularly described on Exhibit "A" attached hereto ("Property").

B. Purchaser desires to purchase the Property and Seller desires to sell the Property on the terms and conditions in this Agreement.

For good and valuable consideration, the receipt and adequacy of which are acknowledged, the parties agree as follows:

1. Real Property.

   (a) The Property includes all right, title and interest in the Property, including the parking areas, landscaping, improvements, fixtures, easements, surface and subsurface gas, oil, minerals and metals interests in the Property.

   (b) The Property also includes copies of all plans, surveys, specifications and other documents pertaining to the physical, geological or environmental condition of the Property that are owned by or in the possession of Seller.

2. Purchase Price.

   (a) The purchase price for the Property shall be Two Hundred Forty Five Thousand Dollars ($245,000) ("Purchase Price").

   (b) Purchaser shall pay the entire Purchase Price in cash to Seller at Close of Escrow, as defined below. Purchaser shall not be required to pay any down payments or deposits.

3. Conveyance of Title. Seller agrees to convey, and Purchaser agrees to accept, subject to the conditions set forth herein, title to the Property by grant deed in the condition described in Section 9 (the "Deed").
4. Escrow. By this Agreement, Purchaser and Seller establish an escrow ("Escrow") with a title and escrow company to be selected by Purchaser ("Escrow Agent"), subject to Escrow Agent's standard escrow conditions and the terms and conditions in this Agreement, with a signed counterpart of this document to be delivered as escrow instructions to Escrow Agent. In the event of any conflict between the terms of this Agreement and Escrow Agent's standard escrow conditions, the terms of this Agreement shall control.

5. Conditions to Purchaser's Performance. Purchaser's obligation to perform under this Agreement is subject to the following conditions:

(a) Approval and full execution of the Memorandum of Agreement and the Termination Agreement between the City of Modesto, the Modesto Redevelopment Agency and Westland by no later than September 25, 2002.

(b) Approval and full execution of the Master Agreement between Purchaser, Stanislaus County Employees Retirement Association and Westland Development, LLC ("Westland") by no later than September 25, 2002.

(c) Approval and full execution of the Parking License Agreement between Purchaser and Westland by no later than September 25, 2002.

(d) Seller's representations and warranties in this Agreement being correct as of the date of this Agreement, as of the Close of Escrow and throughout the design and construction of the proposed office building and parking lot project on 12th Street.

(e) Escrow Agent's commitment to issue a CLTA Title Policy or ALTA Title Policy at the Close of Escrow, subject only to the Approved Exceptions (defined in Section 9);

(f) Approval by the Purchaser of the condition of title of the Property.

(g) Approval by the Purchaser of environmental condition of the Property, including any hazardous conditions affecting the Property.

(h) Publication of a "notice of intent" to purchase the Property in accordance with applicable provisions of the Government Code.

(i) Approval by the Board of Supervisors to purchase the Property after completion of the "notice of intent" to purchase real property.

6. Conditions to Seller's Performance. Seller's obligation to perform under this Agreement is subject to satisfaction of the following conditions:

(a) Purchaser's performance of all of the obligations which it is required to perform pursuant to this Agreement; and
(b) Approval and full execution of the Memorandum of Agreement and the Termination Agreement between the City of Modesto, the Modesto Redevelopment Agency and Westland by no later than September 25, 2002.

(c) Approval and full execution of the Master Agreement between Purchaser and Westland Development, LLC ("Westland") by no later than September 25, 2002.

(d) Approval and full execution of the Parking License Agreement between Purchaser and Westland by no later than September 25, 2002.

7. Failure of Conditions. In the event of a failure of any of the conditions set forth in Sections 5 and 6, above, this agreement shall terminate without liability or obligation to either party, provided, however, that the parties may mutually agree to waive or extend the time limits of any of the conditions set forth in Sections 5 and 6.


(a) Access to the Property until Close of Escrow shall be given to Purchaser, its agents, employees or contractors during normal business hours, at their own cost and risk, for any purposes, including, but not limited to, for inspection of the Property and for planning purposes. Purchaser shall indemnify and defend Seller against and hold Seller harmless from all losses, costs, damages, liabilities and expenses, including, without limitation, reasonable attorney fees arising out of Purchaser's entry onto the Property or any activity thereon by Purchaser or its agents, employees or contractors prior to the Close of Escrow except to the extent any such losses, costs, damages, liabilities and expenses arise out of the gross negligence or willful acts of Seller.

(b) Purchaser and its agents, employees and contractors shall have the right, from the date of this Agreement until the Close of Escrow, to contact any federal, state or local governmental authority or agency to investigate any matters relating to the Property. Seller agrees to cooperate reasonably with Purchaser and its agents, employees and contractors in the inspection of the Property and any processing of governmental permits, and agrees to deliver to Purchaser all information in Seller's possession or control pertaining to the condition of the Property, including engineering and environmental reports, studies, tests, monitoring results and related documentation.

9. Title.

(a) Seller has caused Escrow Agent to issue to Purchaser a preliminary report for a CLTA or ALTA Title Policy for the Property, as designated by Purchaser, setting forth all liens, encumbrances, easements, restrictions, conditions, pending litigation, judgments, administrative proceedings and other matters affecting Seller's title to the Property ("Preliminary Report"), together with copies of all documents relating to title exceptions referred to in the Preliminary Report. Title to the property shall be transferred to Purchaser free and clear of all liens and encumbrances, except the following approved exceptions:
(i) assessments of the Modesto Irrigation District, provided all such assessments are paid current by Seller at Close of Escrow;

(ii) the terms and conditions of that certain Redevelopment Project as disclosed by that certain plan for the amended Modesto Redevelopment Project, recorded November 27, 1991, as Instrument No. 94041.


(a) Title. Simultaneously with the Close of Escrow, Escrow Agent shall issue:

(i) A CLTA or ALTA Policy of Title Insurance ("Title Policy"), as designated by Purchaser, insuring Purchaser in the amount of the Purchase Price, subject only to the following matters ("Approved Exceptions"):

(A) Matters of record approved by Purchaser pursuant to Section 9.

(ii) Purchaser must make its election to obtain an ALTA Title Policy in lieu of a CLTA Title Policy in a timely manner such that the Escrow Agent is prepared to issue such Title Policy at least twenty (20) days prior to Close of Escrow. Purchaser’s failure to make a timely election as herein set forth shall be deemed an election of acceptance of a CLTA Title Policy. Purchaser shall obtain and pay for any required ALTA survey.

(b) Seller’s Deposits Into Escrow. Seller shall deposit with Escrow Agent on or prior to Close of Escrow the following documents:

(i) The Deed executed and acknowledged by Seller conveying to Purchaser good and marketable fee simple title to the Property, subject only to the Approved Exceptions;

(ii) Seller’s affidavit of nonforeign status as contemplated by Section 1445 of the Internal Revenue Code of 1986, as amended ("FIRPTA Affidavit"); and

(iii) Seller’s affidavit as contemplated by the Revenue and Taxation Code §§ 18805 and 26131 ("Withholding Affidavit").

(c) Closing Date. The conveyance of the Property to Purchaser and the closing of this transaction ("Close of Escrow") shall take place within ten (10) days following the satisfaction of the conditions set forth in Sections 5 and 6. If any of the conditions set forth in Sections 5 and 6 are not satisfied, then either party may terminate this Agreement, provided such party is not otherwise in default hereunder, upon written notice to the other party and to Escrow Agent.

(d) Escrow Agent’s Duties. On the Close of Escrow, Escrow Agent shall close Escrow as follows:
(i) Record the Deed (marked for return to Purchaser) in the Official Records of Stanislaus County;

(ii) Issue the CLTA or ALTA Title Policy described herein;

(iii) Disburse to Seller the Purchase Price less prorated amounts and charges to be paid by or on behalf of Seller;

(iv) Charge Purchaser for those costs and expenses to be paid by Purchaser pursuant to this Agreement and disburse any net funds remaining after the preceding disbursements to Purchaser;

(v) Prepare and deliver to both Purchaser and Seller one signed copy of Escrow Agent’s closing statement showing all receipts and disbursements of the Escrow; and

(vi) Deliver to Purchaser the FIRPTA Affidavit and the Withholding Affidavit.

If Escrow Agent is unable to simultaneously perform all of the instructions set forth above, Escrow Agent shall notify Purchaser and Seller and retain all funds and documents pending receipt of further instructions jointly issued by Purchaser and Seller.

(e) Prorations. Escrow Agent shall prorate the following costs at the Close of Escrow:

(i) Seller shall pay:

(A) one-half \((\frac{1}{2})\) of all governmental conveyancing fees;

(B) the premium for the CLTA Title Policy in the amount of the Purchase Price, or, if Purchaser chooses an ALTA Title Policy, that portion of the premium of the ALTA Title Policy equal to the cost of the premium for a CLTA Title Policy; and

(C) one-half \((\frac{1}{2})\) of the escrow fee charged by Escrow Agent.

(ii) Purchaser shall pay:

(A) one-half \((\frac{1}{2})\) of all governmental conveyancing fees;

(B) the recording charges in connection with recordation of all documents under this Agreement;
(C) that portion of the premium for an ALTA Title Policy in the amount of the Purchase Price that exceeds the cost of a CLTA Title Policy, if Purchaser chooses an ALTA Title Policy; and

(D) one-half (1/2) of the escrow fee charged by Escrow Agent.

(iii) Taxes, Bonds and Assessments. Seller shall satisfy by Close of Escrow all liens, bonds and assessments encumbering any of the Property.

(f) Possession. Possession of the Property shall be delivered to Purchaser at Close of Escrow. Purchaser shall be responsible for all utilities and other operational expenses concerning the Property as of Close of Escrow, and Seller shall be entitled to refunds of any utility deposits.

11. Damage and Destruction. If any portion of the Property is damaged by earthquake, mudslide, fire or any other casualty (other than any damage caused by Purchaser or its employees, agents, or contractors), prior to the Close of Escrow, Purchaser shall proceed with the purchase of the Property, in which event this Agreement shall remain in full force and effect, and Seller shall pay or assign to Purchaser any amount due from or paid by any insurance company or any other party as a result of the damage, and the cost of repairing or correcting such damage or the amount of loss of value in the Property as determined by an appraiser suitable to both parties, whichever is less, shall be credited against the Purchase Price and shall reduce the amount payable at Close of Escrow.

12. Seller’s Representations and Warranties. Except as disclosed to Purchaser in writing prior to September 24, 2002 Seller represents and warrants to Purchaser that as of the date of this Agreement and as of the Close of Escrow, to the best of Seller’s knowledge:

(a) Hazardous Substances. Seller has disclosed to Purchaser all information, records and studies in Seller’s possession in connection with the Property concerning Hazardous Substances. The City shall be responsible to remediate any adverse hazardous conditions contained in the environmental reports dated before September 25, 2002. If the City for any reason is unable or otherwise elects not to remediate any such condition, the County may elect to accept the Property in its “as is” condition, or may elect to terminate this Agreement. “Hazardous Substances” includes without limitation: those substances included within the definitions of "hazardous substance," "hazardous waste," "hazardous material," "toxic substance," "solid waste," or "pollutant or contaminant" in CERCLA, RCRA, TSCA, HMTA or under any other Environmental Law; those substances listed in the United States Department of Transportation (DOT) Table [49 CFR 172.101], or by the Environmental Protection Agency (EPA), or any successor agency, as hazardous substances [40 CFR Part 302]; other substances, materials and wastes that are or become regulated or classified as hazardous or toxic under federal, state or local laws or regulations; and any material, waste or substance that is a petroleum or refined petroleum product, asbestos, polychlorinated biphenyl, designated as a hazardous substance pursuant to 33 USC § 1321 or listed pursuant to 33 USC § 1317, a flammable explosive, or a radioactive material. "Environmental Laws" means all federal, state, local or municipal laws, rules, orders, regulations, statutes, ordinances, codes, decrees or requirements of
any government authority regulating, relating to or imposing liability or standards of conduct concerning any Hazardous Substances or pertaining to occupational health, industrial hygiene or occupational or environmental conditions on, under or about the Property, as now in effect or subsequently enacted.

(b) **Violations of Law.** Seller has received no notice from any governmental agency with jurisdiction that any condition on the Property violates any health, safety, fire, environmental, sewage, building or other federal, state or local law, code, ordinance or regulation.

(c) **Leases.** No leases, licenses or other agreements allowing any third party rights to use the Property are or will be in force.

(d) **Litigation.** There is no pending or, to Seller's actual knowledge, threatened litigation, administrative proceeding or other legal or governmental action with respect to the Property.

(e) **Condition of Property.**

(i) There are no natural or artificial conditions upon the Property or any part of the Property that could result in a material and adverse change in the condition of the Property; and

(ii) There are no pipelines or easements on the Property not disclosed by the Preliminary Report, or, if there exist pipelines or easements undisclosed in the Preliminary Report, Seller will immediately inform Purchaser in writing of same.

(f) **Disclosure.** All information that Seller has delivered to Purchaser is accurate and Seller has disclosed all material facts concerning the condition of the Property and conditions of development affecting the Property.

(g) **No Conditions of Development.** The City acknowledges and agrees that the County and Stanislaus County Employee's Retirement Association are exempt from the City's building and zoning regulations (Government Code Section 53091). Therefore, as a material covenant to this Agreement, the City represents and warrants that it will impose no conditions of development or capital facility fees on the design, construction or development of the office building or parking garage project other than routine encroachment permits, water and sewer connection fees, provided, however, it is acknowledged that the City's building and zoning regulations shall apply to the construction of tenant improvements by private developer for the benefit of its private condominium interest.

(h) **Consistency with the General Plan.** The City acknowledges and agrees that the proposed office building and parking garage project are consistent with the City of Modesto's General Plan.
(i) **Notice.** Seller shall promptly notify Purchaser of any fact ("new fact") that would cause any of the representations contained in this Agreement to be untrue as of the Close of Escrow. If Purchaser reasonably concludes that any new fact materially and adversely affects the Property, Purchaser shall have the option to terminate this Agreement by delivering written notice to Seller and Escrow Agent.

(j) **Indemnification.** Seller agrees to indemnify Purchaser and agrees to defend and hold Purchaser harmless from all loss, cost, liability, expense, damage or other injury, including without limitation, attorney fees and expenses, to the fullest extent not prohibited by applicable law, and all other costs and expenses incurred by reason of, or in any manner resulting from the breach of any warranties and representations in this Section, and all third-party claims arising out of or related to any new fact with respect to the period prior to the Close of Escrow, provided any such loss, cost, liability, expense, damage or other injury or third-party claim arises during the period ending twelve (12) months after Purchaser's occupancy in the Property.

13. **Seller's Covenants.** Commencing with the full execution of this Agreement by both parties and until the Close of Escrow:

(a) Seller shall not permit any liens, encumbrances or easements to be placed on the Property, other than the Approved Exceptions, nor shall Seller enter into any agreement regarding the sale, rental, management, repair, improvement or any other matter affecting the Property that would be binding on Purchaser or the Property after the Close of Escrow without the prior written consent of Purchaser.

(b) Seller shall not permit any act of waste or act that would tend to diminish the value of the Property for any reason, except that caused by ordinary wear and tear.

(c) Seller shall maintain the Property in its present condition, subject to ordinary wear and tear, including servicing fixtures, until Close of Escrow.

14. **Authority of Parties.**

(a) Seller warrants that this Agreement and all other documents delivered prior to or at the Close of Escrow:

(i) have been authorized, executed and delivered by Seller;

(ii) are binding obligations of Seller;

(iii) are collectively sufficient to transfer all of Seller's rights to the Property; and

(iv) do not violate the provisions of any agreement to which Seller is a party or which affects the Property, nor knowingly violate any local, state or federal ordinances, laws or regulations.
Purchaser warrants that this Agreement and all other documents delivered prior to or on the Close of Escrow

(i) have been authorized, executed and delivered by Purchaser;

(ii) are binding obligations of Purchaser; and

(iii) do not violate the provisions of any agreement to which Purchaser is a party, nor knowingly violate any local, state or federal ordinances, laws or regulations.

The parties warrant that the persons executing this Agreement on their behalf are authorized to do so, and on execution of this Agreement, this Agreement shall be valid and enforceable against Purchaser or Seller in accordance with this Agreement.

15. **Further Assurances.** Purchaser and Seller agree that at any time or from time to time after the execution of this Agreement, they will execute and deliver such further reasonable documents and undertake such other reasonable actions at no out-of-pocket cost or expense to the party performing such actions (except as otherwise specifically provided herein) as the other party may reasonably request in order to effect fully the purposes of this Agreement.

16. **Brokers.** No realtors or brokers are involved in this transaction. Each party agrees to defend, indemnify and hold harmless the other party from any claims, expenses, costs or liabilities arising in connection with a breach of that party's representations in this Section.

17. **No Assignment.** Neither party shall have the right to assign any of its rights or interests under this Agreement to any third party without the written consent of the other party hereto, which consent may not unreasonably be withheld.

18. **Notices.** All notices to be given under this Agreement shall be in writing and sent by

(a) certified mail, return receipt requested, in which case notice shall be deemed delivered three (3) business days after deposit, postage prepaid in the United States Mail,

(b) a nationally recognized overnight courier, in which case notice shall be deemed delivered one (1) business day after deposit with that courier,

(c) hand delivery, in which case notice shall be deemed delivered upon receipt, or

(d) telecopy or similar means if a copy of the notice is also sent by United States Certified Mail, in which case notice shall be deemed delivered on transmittal by telecopier or other similar means, provided that a transmission report is generated by reflecting the accurate transmission of the notices, as follows:
or to such other address as Purchaser or Seller may respectively designate by written notice to the other.

19. **Entire Agreement.** This Agreement and the documents referenced herein contain the entire agreement between the parties to this Agreement and shall not be modified in any manner except by an instrument in writing executed by the parties or their respective successors in interest.

20. **Severability.** If any term or provision of this Agreement shall, to any extent, be held invalid or unenforceable, the remainder of this Agreement shall not be affected.

21. **Waivers.** A waiver or breach of covenant or provision in this Agreement shall not be deemed a waiver of any other covenant or provision in this Agreement, and no waiver shall be valid unless in writing and executed by the waiving party. An extension of time for performance of any obligation or act shall not be deemed an extension of the time for performance of any other obligation or act.

22. **Construction.** The section headings and captions of this Agreement are, and the arrangement of this instrument is, for the sole convenience of the parties to this Agreement. The section headings, captions and arrangement of this instrument do not in any way affect, limit, amplify or modify the terms and provisions of this Agreement. The singular form shall include plural, and vice versa. This Agreement shall not be construed as if it had been prepared by one of the parties, but rather as if both parties have prepared it. Unless otherwise indicated, all references to sections are to this Agreement. All exhibits referred to in this Agreement are attached to it and incorporated in it by this reference.

23. **Merger.** All of the terms, provisions, representations, warranties and covenants of the parties under this Agreement shall survive the Close of Escrow and shall not be merged in the Deed or other documents.

24. **Counterparts.** This Agreement may be executed in one or more counterparts. Each shall be deemed an original and all, taken together, shall constitute one and the same instrument.

25. **Time of the Essence.** Time is of the essence in this Agreement.
26. **Successors.** This Agreement shall inure to the benefit of and shall be binding upon the parties to this Agreement and their respective heirs, successors and assigns.

27. **Governing Law.** This Agreement shall be governed and construed in accordance with California law.

The parties have executed this Agreement as of the date first written above.

**Seller:**

CITY OF MODESTO, A Municipal Corporation

By: JACK CRIST
City Manager

Approved as to form:

MICHAEL D. MILICH
City Attorney

**Purchaser:**

STANISLAUS COUNTY, A Political Subdivision of the State of California

By: REAGAN M. WILSON
Chief Executive Officer

Approved as to form:

MICHAEL H. KRAUSNICK
County Counsel
PUBLIC PARKING COVENANT

THIS Public Parking Covenant is made this 8th day of October, 2002, by and between THE COUNTY OF STANISLAUS, a political subdivision of the State of California (referred to herein as “Grantor”), and the City of Modesto, a Charter City (referred to herein as “Grantee”).

WITNESSETH

WHEREAS, Grantor is the owner of that certain real property located in Modesto, California (A.P.N. ______), more particularly described on Exhibit “A” attached hereto (the “Property”).

WHEREAS, Grantor intends to build, own and manage a parking garage on the Property.

WHEREAS, Grantee has requested, and Grantor has agreed to dedicate 44 spaces to public parking on the ground floor of the parking garage.

NOW, THEREFORE, for valuable consideration, receipt of which is hereby acknowledged, Grantor and Grantee agree as follows:

1. Grantor hereby agrees to dedicate 44 spaces on the ground floor of the parking garage to public parking. Said public parking spaces shall be owned and managed by the County. In the event the County charges a fee for the use of said public parking spaces, said fee shall not exceed the fee generally charged by the Grantee for public parking in the City of Modesto.

2. This covenant shall become effective upon completion of the parking garage, and shall remain in effect for so long as the parking garage is used for that purpose.

3. The rights granted under this Agreement shall run with the land and inure to the benefit of and be binding upon Grantor and Grantee, their respective heirs, administrators, successors and assigns.
IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be duly executed as of the date first hereinabove written.

**Grantor:**
COUNTY OF STANISLAUS, a political subdivision of the State of California

By: REAGAN M. WILSON
Chief Executive Officer

**Grantee:**
CITY OF MODESTO

By: JACK CRIST
City Manager

**Approved as to form:**

MICHAEL H. KRAUSNICK
Stanislaus County Counsel

**Approved as to form:**

MICHAEL D. Milich
City Attorney
State of California )
County of ____________ ) ss.

On ________________, before me, ________________________________________,

personally appeared ____________________________________________________,

☐ personally known to me

OR

☐ proved to me on the basis of satisfactory evidence

to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged
to me that he/she/they executed same in his/her/their authorized capacity(ies), and that by
his/her/their signature(s) on the instrument the person(s), or entity on behalf of which the
person(s) acted, executed the instrument.

Witness my hand and official seal.

________________________________________
Signature of Notary Public

State of California )
County of ____________ ) ss.

On ________________, before me, ________________________________________,

personally appeared ____________________________________________________

☐ personally known to me

OR

☐ proved to me on the basis of satisfactory evidence

to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged
to me that he/she/they executed same in his/her/their authorized capacity(ies), and that by
his/her/their signature(s) on the instrument the person(s), or entity on behalf of which the
person(s) acted, executed the instrument.

Witness my hand and official seal.

________________________________________
Signature of Notary Public
EXHIBIT A

DISPOSITION AND DEVELOPMENT AGREEMENT
EXHIBIT A

TERMINATION AGREEMENT

This Termination Agreement (this "Agreement") is made as of ____________, 2002, by and among the REDEVELOPMENT AGENCY OF THE CITY OF MODESTO (the "Agency") and WESTLAND DEVELOPMENT COMPANY, LLC (the "Developer"), with reference to the following facts:

WHEREAS, the Agency and Developer entered into a Disposition and Development Agreement (the "DDA"), dated as of September 1, 2000, a copy of which is attached hereto as Exhibit A, providing for, among other things, the sale by the Agency to the Developer of certain real property located at the corner of 12th Street and I Street in the City of Modesto (the "Site"), and development on the Site of a multi-story professional office building with possible retail or restaurant uses designated for the first floor (the "Office Project"), and the office uses were anticipated to be leased to the County of Stanislaus (the "County"); and

WHEREAS, the Site is currently owned by the City, and improved with a City-owned surface parking lot consisting of 44 parking spaces (the "City Parking Spaces"), all of which was intended to be acquired by the Agency from the City for purposes of redevelopment pursuant to the terms and conditions set forth in the DDA; and

WHEREAS, the DDA further provided that parking for the Office Project, together with replacement of the City Parking Spaces, were to be provided in a Parking Garage (the "Parking Garage") to be constructed by the County on certain adjacent property owned by the County (the "Parking Garage Parcel"), and certain financial contributions by the Agency for the construction of the Parking Garage; and

WHEREAS, based on current conditions and circumstances, and the further planning and decisions of the Agency, Developer, City and County, all of said parties have entered into a memorandum of agreement (the "Memorandum of Agreement") providing for and including, among other things: (i) a purchase and sale agreement (the "Site Purchase Agreement") between the City and County, pursuant to which the City will sell to the County, and the County will acquire from the City, the Site, including the City Parking Spaces, for purposes of construction by the County of an office building (the "County Office Project"); (ii) a purchase and sale agreement between the County and Developer (the "Retail Space Purchase Agreement") pursuant to which the Developer will purchase airspace subdivision rights on the ground floor of the County Office Project (the "Retail Parcel") and will develop and occupy said space as office retail space (the "Retail Improvements"); (iii) development by the County of the Parking Garage on the Parking Garage Parcel, including approximately 550 to 650 parking spaces, and dedication of 44 spaces within the Parking Garage to the City for public parking, to replace the City Parking Spaces currently located on the Site; (iv) a license agreement (the "Parking License Agreement") between the County, Developer
and the Agency, pursuant to which the Developer will pay for and obtain a license to use a portion of the parking spaces in the Parking Garage to support the Retail Improvements, and the Agency will provide certain financial contributions toward the construction of the Parking Garage; and (v) termination of the existing DDA; and

WHEREAS, in furtherance of the Memorandum of Agreement, and in consideration of the agreements of the parties contained in the Memorandum of Agreement, and all the agreements and documents provided for or referenced therein, the Agency and Developer enter into this agreement for the purpose of terminating the DDA;

NOW THEREFORE, the Agency and Developer agree as follows:

1. Termination of DDA. The parties hereby agree that upon execution of this Agreement, the DDA is hereby terminated and shall have no further force and effect, except as otherwise set forth herein.

2. Return of Deposit. Within ten (10) days following execution of this Agreement by the Agency, the Agency shall return to the Developer the Fifty Thousand Dollars ($50,000) Deposit previously delivered by the Developer to the Agency pursuant to Section 108 of the DDA, together with interest (if any) paid thereon.

3. Effect. This Agreement shall become effective following execution of this Agreement by both parties.
4. **Counterparts.** This Agreement may be executed in counterparts, each of which shall be deemed an original and all of which, when taken together, shall be considered one and the same instrument.

**AGENCY:**

DATE: _____________, 2002

REDEVELOPMENT AGENCY OF THE CITY
OF MODESTO

By: ____________________________

Its: ____________________________

**ATTEST:**

By: ____________________________

Secretary

**APPROVED AS TO FORM:**

By: ____________________________

Agency Counsel

**DEVELOPER:**

DATE: _____________, 2002

WESTLAND DEVELOPMENT COMPANY,
LLC, a California limited liability company

By: ____________________________

Its: ____________________________
MODESTO CITY COUNCIL
RESOLUTION NO. 2002-499

A RESOLUTION AUTHORIZING STAFF TO SOLICIT PROPOSALS FOR A CONTRACT TO OPERATE THE MODESTO AREA DIAL-A-RIDE (MADAR) SERVICE CONCURRENTLY WITH THE CITY OF CERES AND THE COUNTY OF STANISLAUS’ SOLICITATION FOR SIMILAR SERVICES.

WHEREAS, the existing agreement with Storer Transit Services to operate the Modesto Area Dial-A-Ride (MADAR) service expires June 13, 2003, and

WHEREAS, the City wishes to continue providing Dial-A-Ride service to the citizens of Modesto, and

WHEREAS, the Federal Transit Administration (FTA) recommends that bus service contracts be re-bid every five years, and

WHEREAS, combining the City of Modesto’s solicitation for these services with the solicitations for similar services provided by the City of Ceres and County of Stanislaus may attract more interest from transit operating firms, and

WHEREAS, a combined solicitation potentially will increase competition and result in reduced costs to each entity, and

WHEREAS, by agenda report to the City Council dated September 17, 2002, from the Engineering and Transportation Director, recommended solicitation of proposals for a new Dial-A-Ride operations contract, and

WHEREAS, on September 9, 2002, the Economic Development Committee reviewed this proposal and recommended solicitation of proposals concurrently with the City of Ceres and County of Stanislaus.
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that City staff is hereby authorized to solicit proposals for the operation of the Modesto Area Dial-A-Ride service concurrently with solicitations by the City of Ceres and County of Stanislaus for similar services.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of October, 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, Keating, O’Bryant, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Jackman

ATTEST: Jean Zahr, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2002-500

A RESOLUTION AMENDING AN AGREEMENT WITH STORER TRANSIT SYSTEMS TO EXTEND THE TERMINATION DATE OF THE AGREEMENT TO OPERATE THE MODESTO AREA DIAL-A-RIDE (MADAR) AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT.

WHEREAS, the existing agreement with Storer Transit Systems to operate the Modesto Area Dial-A-Ride (MADAR) service expires June 13, 2003, and

WHEREAS, the City wishes to continue providing Dial-A-Ride service to the citizens of Modesto utilizing Storer Transit Systems through June 27, 2003, to facilitate transition to a new contract for the operation of MADAR, and

WHEREAS, Storer Transit Systems agrees to an extension of the termination date of the existing agreement, and

WHEREAS, on September 9, 2002, the Economic Development Committee recommended approval of the amendment to agreement,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an amendment to the existing contract with Storer Transit Systems to extend the termination date of the contract to operate MADAR to June 27, 2003, on behalf of the City of Modesto.

BE IT FURTHER RESOLVED that the City Manager or his designee, is hereby authorized to execute the amendment to the agreement.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of October, 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, Keating, O’Bryant, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Jackman

ATTEST: Jean Zahr, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2002-501

A RESOLUTION APPOINTING A MEMBER OF THE CITY COUNCIL TO OBSERVE THE INTERVIEWS AND PROPOSAL EVALUATION PANEL MEETINGS RELATED TO THE PROCUREMENT OF A CONTRACT TO OPERATE THE MODESTO AREA DIAL-A-RIDE (MADAR) SERVICE.

WHEREAS, the existing agreement with Storer Transit Services to operate the Modesto Area Dial-A-Ride (MADAR) service expires June 13, 2003, and

WHEREAS, the City wishes to continue providing Dial-A-Ride service to the citizens of Modesto, and

WHEREAS, the Federal Transit Administration (FTA) recommends that bus service contracts be rebid every five years, and

WHEREAS, by agenda report to the City Council dated September 17, 2002, from the Engineering and Transportation Director, staff recommended solicitation of proposals for a new Dial-A-Ride operations contract, and

WHEREAS, on September 9, 2002, the Economic Development Committee reviewed this proposal and recommended solicitation of proposals concurrently with the City of Ceres and County of Stanislaus, and

WHEREAS, on October 8, 2002, the Council of the City of Modesto authorized staff to solicit proposals for the operation of the MADAR service concurrently with solicitations by the City of Ceres and County of Stanislaus for similar services, and

WHEREAS, staff believes City Council discussion of the merits of each proposal might benefit from the presence of a member of the Council at the proposer interviews and evaluation panel meetings,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that Council Member Jackman and a citizen to be selected by staff are hereby appointed to observe the proposer interviews and evaluation panel meetings related to the procurement of services for the operation of the Modesto Area Dial-A-Ride.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of October, 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, Keating, O’Bryant, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Jackman

ATTEST: Jean Zahr, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2002-502

A RESOLUTION AUTHORIZING STAFF TO PROCEED WITH A REQUEST FOR PROPOSALS FOR RED LIGHT CAMERAS AT MAJOR INTERSECTIONS THROUGHOUT THE CITY OF MODESTO

WHEREAS, the Police Department is continuing its strong stance with regard to traffic enforcement throughout the city, and

WHEREAS, Modesto leads the State in cities of similar size for speed related traffic collisions and fatalities, and

WHEREAS, the Police Department is looking for new and innovative ways to help reduce the number of collisions in the city, and

WHEREAS, the Police Department has researched the use of red light cameras for major intersections throughout the city, and

WHEREAS, red light cameras have the capability of photographing a violation as well as video taping a violation, and

WHEREAS, the Police Department could review each violation captured on film and either accept the violation or dismiss it, and

WHEREAS, once a violation has been accepted, the violator would be sent a citation in the mail, and

WHEREAS, the statistics provided by some of the red light system vendors report a 45 - 70 percent reduction in collisions where red light cameras are being used, and

WHEREAS, Special attention to red light violations provides Targeted Traffic Enforcement, as called for in Action H.II.G.1.d. of the Healthy and Safe Action Plan, and

WHEREAS, there will be no cost to the City of Modesto for red light cameras as firms supplying, installing and maintaining these cameras do so for a percentage of the citation revenue, and
WHEREAS, the Safety and Communities Committee received an informational report concerning red light cameras at its meeting of September 4, 2002, and the Committee endorsed the concept,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby authorizes City staff to proceed with a Request for Proposals, for Red Light Cameras for major intersections in the City of Modesto.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Council hereby appoints Councilmember Keating to work with Staff to develop the Request for Proposals.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of October, 2002, by Councilmember O'Bryant, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Jackman

ATTEST: Jean Zahr, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Michael D. Milich, City Attorney
A RESOLUTION AUTHORIZING THE PURCHASE OF SOFTWARE AND RELATED EQUIPMENT FOR A COUNCIL VOTING SYSTEM IN AN AMOUNT NOT TO EXCEED $8000.00

WHEREAS, Vice Mayor Conrad has requested that a Council voting system and timed speaker address system be purchased, and

WHEREAS, said system can be used for displaying Council votes on motions and for the timing of public comments during Council meetings, and

WHEREAS, the Purchasing Division has researched and obtained competitive quotations on said systems, and

WHEREAS, the Purchasing Division based on technology and cost effectiveness has made a recommendation to purchase a system that uses infrared vs hard-wired technology, and

WHEREAS, the infrared technology voting system is more versatile and will be able to be used in committee meeting scenarios as well, should the Council choose to so, and

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that the purchase of software and related equipment for a Council voting system in an amount not to exceed $8,000.00 is hereby approved.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of October, 2002, by Councilmember Conrad, who moved its adoption, which motion being duly seconded by Councilmember Sabatino, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: Fisher

ABSENT: Councilmembers: None

ATTEST: 
JEAN ZAHN, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO 2002-504

Was Not Used
MODESTO CITY COUNCIL
RESOLUTION NO. 2002-505

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

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

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

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

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

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

Operations and Maintenance Crewleader

As a result of a Crewleader classification consolidation, per Article 50 (d) of the
Memorandum of Understanding between the City and the Modesto City Employees'

Budget Analyst I/II

As a result of the first step of a reorganization within the Finance Department.
The specification for the miscellaneous classification of Operations and Maintenance Crewleader, (Range 124), as shown on the Attached Exhibit “A”, and the specification for Budget Analyst I/II (Range 431 and Range 434), as shown on attached Exhibit “B”, assigned to the Management and Confidential Bargaining Unit, which are hereby made a part of this resolution by reference, are hereby approved and made a part of the Position Classification Plan of the City of Modesto.

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

Planning Assistant
Senior Planner

These classifications are being amended as a result of a job audit completed for each classification. The specification for the classification of Planning Assistant, as shown as Exhibit “C”, and the specification for the classification of Senior Planner, as shown on the attached Exhibit “D” which are hereby made a part of this resolution by reference, are hereby approved and made part of the Position Classification Plan of the City of Modesto.

SECTION 3. CLASSIFICATIONS DELETED. The Position Classification Plan of the City of Modesto is hereby amended to delete the following classifications:

Equipment Crewleader
Maintenance Mechanic Crewleader – Pumps
Wastewater Collection System Crewleader
Budget Analyst
Senior Budget Analyst

10/22/02/Personnel/C Platt 2 2002-505
SECTION 4. EFFECTIVE DATE. This resolution shall become effective on and after October 22, 2002.

The forgoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 22nd day of October, 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
OPERATIONS AND MAINTENANCE CREWLEADER

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

Crewleaders assign work, train, and provide field supervision of crews engaged in a variety of water, storm/wastewater, streets, and urban forestry operations, maintenance, repair and/or construction work; and to provide lead worker assistance to supervisory and/or management staff.

SUPERVISION RECEIVED AND EXERCISED

Receives supervision from supervisory and management staff.

Exercises direct field supervision over crews engaged in maintenance and repair activities.

ESSENTIAL AND MARGINAL FUNCTION STATEMENTS

Essential and other important responsibilities may include, but are not limited to, the following:

Provide field supervision to crews involved in a variety of water, storm/wastewater, streets, sidewalks, and urban forestry operations, maintenance, repair and/or construction work.

Assist in the design, planning, prioritizing, assignment, and inspection of various maintenance, repair, and construction projects.

Provide feedback to supervisory staff regarding field performance of crews for the purpose of evaluating employee performance.

Assist in developing and monitoring of the Division budget.

Participate in the selection of staff; provide or coordinate staff training; work with employees to correct deficiencies through coaching.

Answer questions and provide information to the public; investigate complaints and recommend corrective action as necessary to resolve complaints.
CITY OF MODESTO
Operations and Maintenance Crewleader

Participate and encourage work unit participation in team building activities including self-directed work teams.

Operate and oversee the operation of a full range of heavy and light equipment as needed such as backhoes, loaders, dump trucks, rollers, tractors, vactor trucks, aerial towers and various trucks.

Maintain time, material and equipment use records; prepare various reports related to work activities including technical reports in response to regulatory activities.

Prepare project cost estimates; requisition supplies and materials.

When assigned to utility divisions, may assist in activities that ensure adherence to environmental quality standards.

Marginal Functions:

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Materials, methods, practices, equipment and elements of construction technology as they relate to the assigned operations, construction, maintenance and repair activities.

Types and level of maintenance and repair activities generally performed in streets, water, storm/wastewater collection, fleet, park or urban forestry program.

Principles of personnel supervision and training.

Safe work practices; regulatory safety programs and procedures.

Pertinent sections of health, safety and labor codes.

Word processing and spreadsheet applications and Internet usage necessary for job performance.

English composition and technical report writing.

Cost accounting.
Ability to:

Plan, estimate, direct, coordinate, schedule and review the work of others.

Operate and maintain equipment and tools used in the field.

Identify and implement effective courses of action to complete assigned work; use lead by example methodology.

Keep records and make reports.

Lead by example and train assigned staff.

Communicate clearly and concisely, both orally and in writing.

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

Coordinate work assignments with other divisions, departments, and agencies and volunteer groups.

Perform heavy manual labor, including but not limited to lifting and carrying fifty (50) to one hundred (100) pounds of weight, climbing, bending, stooping, etc.

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:

Three years of increasingly responsible experience performing utility operations, construction and maintenance work in the assigned area of responsibility (such as utility infrastructure, sidewalks, parks, or urban forestry).

Training:

Formal or informal education that ensures the ability to read, write, and communicate at a level necessary for successful job performance.
License or Certificate:

Possession of, or ability to obtain, a valid Class B California driver's license with applicable endorsements.

**When Assigned to Streets and Traffic Operations:**
Any employees hired, transferred, or promoted into this position shall possess a work zone safety certificate from International Municipal Signal Association (IMSA), Traffic Control Supervisor Association (TCSA), International Transportation Engineers (ITE), American Public Works Association (APWA), or the American Traffic Safety Services Association (ATSSA) at time of final filing.

**When Assigned to Water Distribution:**
Possession of a Grade II water distribution operator certificate issued by the State of California at time of final filing.

Possession of a Grade I water treatment certificate issued by the State of California within one year of appointment.

Possession of a certificate issued by the American Water Works Association (AWWA) for backflow device testing and/or Grade I Water Conservation Practitioner is highly desirable.

**When Assigned to Urban Forestry:**
Possession of a Pesticide Applicator's Certificate within one year of appointment.

**When Assigned to Wastewater Collections:**
Any employees hired, transferred, or promoted into this position shall possess a Grade II Certificate Wastewater Collection System Maintenance Technologist issued by the California Water Environment Association (CWEA) at time of final filing.

**WORKING CONDITIONS**

Environmental Conditions:

Field environment; travel from site to site; hot and cold temperatures; inclement weather.
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.
CITY OF MODESTO
Budget Analyst I/II
No. 3524
No. 3523

BUDGET ANALYST I/II

DEFINITION

To assist the Finance Director in formulating the City's annual operating and multi-year capital improvement budgets; to evaluate all phases of the budget progress during the execution phase; to analyze cost, revenue, and relevant economic data; and to recommend improvements to budget systems and procedures.

SUPERVISION RECEIVED AND EXERCISED

Receives direction from the Deputy Finance Director.

May exercise direct supervision over technical and clerical staff in assigned area.

DISTINGUISHING CHARACTERISTICS

Budget Analyst I: This is the entry-level class in the Budget Analyst series. This class is distinguished from Budget Analyst II 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.

Budget Analyst II: This is the full professional level class within the Budget Analyst series. Employees within this class are distinguished from the Budget Officer I by the performance of the full range of duties as assigned. Employees at this level receive only occasional instruction or assistance as new or unusual situations arise, and are fully aware of the operating procedures and policies of the work unit. Positions in this class are flexibly staffed and are normally filled by advancement from the I, or when filled from the outside, require prior work experience directly related to the area of assignment.

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

Essential Functions:

Review and update the City's budget manual and supplemental procedures; originate

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communication and distribute budget preparation materials to departments; ensure the timely submission of all source information and review input for completeness and accuracy.

Schedule budget preparation tasks to meet established deadlines; coordinate budget related matters with departments and provide training and guidance when necessary.

Prepare enterprise fund and internal service fund budgets.

Calculate cost and revenue forecasts; maintain statistical and economic data influencing estimates; prepare worksheets, schedules and exhibits comprising the formal budget documents.

Evaluate the budget during the execution phase; identify variances requiring corrective action.

Prepare staff reports and special analyses as required.

Verify availability of funds to finance intended departmental and Council actions; research and evaluate potential revenue sources.

Evaluate operations and activities of assigned responsibilities; recommend improvements and modifications; prepare various reports on operations and activities; develop and test new budget techniques and concepts.

Conduct special projects in the budget area as directed; assume full responsibility for completion of such projects that may require extensive work with other departments or outside organizations.

In addition to the preceding, when assigned as Budget Analyst II:

Participate in the selection of staff; provide or coordinate staff training; may serve as lead worker over other professional staff.

Act in the absence of the Budget Office.

Serve as a liaison with the accounting division to insure that internal controls are maintained and that the budget is prepared in accordance with generally accepted accounting principles.

Insure that staff work is complete for all budget related items placed on the Council
CITY OF MODESTO
Budget Analyst I/II

Marginal Functions

Perform related duties as assigned

QUALIFICATIONS

Budget Analyst I

Knowledge of:

Principles and practices of budget preparation and administration.

Principles and practices of organization, administration and personnel management.

Computer applications including spreadsheet, database, word processing and presentation software.

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

Technical report writing styles.

Basic statistical techniques.

Budget Analyst II

Knowledge of:

Principles of supervision, training and performance evaluation.

Principles and practices of municipal accounting, and budget preparation and control.

Methods and techniques involved in conducting analytical studies of administrative and management practices and procedures.
Read and interpret complex laws and regulations impacting city financial activities.

General relationships between local, state and federal governments, public interest groups and private enterprise as the affect the City.

Budget Analyst I

Ability to:

Assist in the preparation of operating and capital improvement budgets.

Conduct feasibility studies, analyze and review fiscal data in order to develop forecasts, trends and analysis.

Research, analyze and make effective recommendations on budgetary and fiscal practices.

Prepare clear and concise reports, records, correspondence and other written materials.

Estimate and project revenues and expenditures.

Work and control sensitive, confidential information on assignments.

Communicate clearly and concisely, both orally and in writing.

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

Budget Analyst II

Ability to:

Supervise, train and evaluate assigned staff.

Make clear oral presentations.

Budget Analyst I/II
Use of modern office equipment, including computers, computer applications and software.

**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:

**Budget Analyst I**

**Experience:**
One year of responsible budget preparation or analysis experience.

**Training:**
Equivalent to a Bachelor's degree from an accredited college or university with major course work in business administration, public administration or a related field.

**License or Certificate:**
Possession of or the ability to obtain an appropriate, valid California Driver's License.

**Budget Analyst II**

**Experience:**
Three years of responsible budget preparation or analysis experience. Experience including public sector budget preparation is highly desirable.

**Training:**
Equivalent to a Bachelor's degree from an accredited college or university with major course work in business administration, public administration or a related field.

**WORKING CONDITIONS**

**Environmental Conditions:**
Office environment.

Physical Conditions:

Essential and marginal functions may require maintaining physical conditions necessary for sitting for prolonged periods of time, operating a personnel computer and other office equipment.
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 provide complex technical assistance and support to the professional planning staff; to provide training and guidance to less experienced technical planning personnel; and to provide procedural and factual information to the public.

**SUPERVISION RECEIVED AND EXERCISED**

Receives general supervision from higher level planning staff.

May exercise technical supervision over less experienced technical staff in assigned area.

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

**Essential Functions:**

- Answer questions and provide information to the public; interpret the zoning code for the general public and developers.

- Assist with the processing of annexations; research background information on tax assessments, registered voters, availability of utilities and public services, property owner sentiment, and logical boundaries.

- Conduct field surveys regarding property owner sentiment and land use.

- Assist in the processing of parcel and subdivision maps; check for completeness, code violations, environmental assessment requirements, and other pertinent data.

- Assist in reviewing applications for zoning changes.

  Compile zoning history, size and development features for specific parcels of land.
CITY OF MODESTO
Planning Assistant

Perform administrative review of planning applications including lot line adjustments and second story additions.

Work with the City’s GIS system to integrate planning data into the system. Work on the Planning Division’s website to update information and provide new information.

Design and prepare graphic artwork such as brochures, illustration and covers for reports, posters, lettering charts and signs for wall displays; develop initial design and layout sketches; meet with other City personnel to discuss and evaluate graphic needs; maintain an inventory of graphics supplies and materials.

Perform the most difficult duties in revising and updating the City zoning map; provide training and guidance to Planning Technicians in updating and drafting maps.

Interpret property descriptions; prepare planning documents.

Assist in the preparation of a variety of agenda reports and planning resolutions.

Oversee the updating and maintenance of files and records.

Perform related duties as assigned.

Marginal Functions:

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Principles, practices and trends in planning and land use.

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

Principles, practices and techniques of drafting and graphic design.

Statistical and engineering practices as applied to planning.

Computer programs such as AutoCAD, GIS, Excel, and Word.
Ability to:

Prepare maps, graphs, charts, site plans, and other descriptive material using difficult lettering, tracing, drafting and layouts.

Gather and prepare data pertaining to planning and zoning.

Assist with the preparation of comprehensive reports and planning resolutions.

Provide information to the public, developers and realtors regarding planning and zoning regulation.

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

Communicate clearly and concisely, both orally and in writing.

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:

Three years of responsible technical planning experience.

Training:

Equivalent to the completion of the twelfth grade. Additional specialized training in drafting, graphic design, urban planning, surveying, engineering, mathematics, computer science, the physical sciences or a related field is desirable.

License or Certificate

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

WORKING CONDITIONS
Environmental Conditions:

Office and field environment.

Physical Conditions:

Essential and marginal functions may require maintaining physical condition necessary for walking, standing, moving or sitting for prolonged periods of time; operating a motor vehicle, using a personal computer.
SENIOR PLANNER

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 advanced level professional planning work; to provide technical and functional supervision to professional, technical and clerical planning staff; and to provide responsible staff assistance to the Planning and Community Development Director.

SUPERVISION RECEIVED AND EXERCISED

Receives general direction from the Principal Planner.

Exercises 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:

Develop and present recommendations on various development proposals and applications; prepare appropriate planning, statistical, financial and narrative reports.

Act as project or program leader for general plan elements, environmental impact reports, comprehensive plans and other special planning studies involving utilization of planning disciplines such as transportation, urban design, capital facilities, environmental analysis, growth management, zoning and land use regulation.

Research, review and analyze economic, social and physical data affecting land use and community development.

Confer with engineers, developers, architects, a variety of agencies and the general public in acquiring information and coordinating planning and zoning matters; provide information regarding City development requirements.
Interpret and apply environmental quality laws and regulations to ensure that development proposals, City projects and municipal code amendments are in compliance with State and Federal laws.

Prepare general plan elements and amendments; make recommendations concerning long-range planning projects, including annexations, specific plans, specific plan amendments, precise plans or complex subdivisions.

Perform extensive research regarding implementation of policies established by the general plan, zoning ordinance, or other land use and development ordinances.

Provide staff support to a variety of boards and commissions; attend and participate in professional groups and committees.

Provide information to the public regarding zoning, land use and the general plan; monitor the plan check activities of Department staff; participate in public meetings as necessary.

Provide lead supervision and technical assistance to professional and technical planning staff.

Assist in preparing request for proposals, consultant selection, contract preparation and management.

Participate in the selection of staff; provide or coordinate staff training; work with employees to correct deficiencies; implement discipline procedures.

May assist in preparing the budget; participate in the forecast of additional funds needed for staffing, equipment, materials, and supplies; assist in monitoring and tracking the approved budget.

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Principles and practices of urban planning and development.

Methods and techniques of effective technical report preparation and
Research methods and sources of information related to urban growth and development.

Recent developments, current literature and sources of information related to municipal planning and administration. Pertinent Federal, State, and local laws, codes and regulations, including the California Environmental Quality Act (CEQA), National Environmental Policy Act (NEPA), State Planning and Zoning Law, State Subdivision Map Act and Cortese-Knox-Hertzberg Local Government Reorganization Act.

Ability to:

Analyze site design, terrain constraints, circulation, land use compatibility, utilities and other urban services.

Ensure project compliance with Federal, State and local rules, laws and regulations.

Interpret and apply pertinent laws, rules and regulations.

Collect, analyze, interpret and apply data to various planning projects.

Organize and conduct research studies; prepare concise technical reports; prepare maps, charts, and other graphic material for effective presentations.

Prepare and analyze technical and administrative reports, statements and correspondence.

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

Communicate clearly and concisely, both orally and in writing.

Utilize computer software programs including word processing, spreadsheets, and website Internet searches.

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:
Three years of responsible professional urban planning experience.

Training:
Equivalent to a Bachelor's degree from an accredited college or university with major course work in planning, public or business administration or a related field.

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

Membership in the American Institute of Certified Planners (AICP) is desirable.

WORKING CONDITIONS

Environmental Conditions:
Office and field environment.

Physical Conditions:
Essential and marginal functions may require maintaining physical condition necessary for walking, standing, moving, or sitting for prolonged periods of time; operating a motor vehicle, using a personal computer.